

LAWS

PASSED AT

THE THIRTIETH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITOL OF SAID
STATE, ON TUESDAY, JANUARY SEVENTH, 1947, AND
CONCLUDING FRIDAY, MARCH SEVENTH, 1947



Bismarck Printing Co., Bismarck, N. D.

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, also resolutions passed at the Thirtieth Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 7, 1947, and terminating Friday, March 7, 1947, and the initiated measures approved at the general election held November 5, 1946, now on file in this office.

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, 1947.

(SEAL)

Thomas Hall,
Secretary of State.

Copyrighted 1947
By Thomas Hall
Secretary of State
of the
State of North Dakota

TABLE OF CONTENTS

Chap.	Bill	No.		Page
AERONAUTICS				
1	S.	40	Aeronautic commission, creating, etc.....	1
AGRICULTURE				
2	H.	93	Agricultural fairs continuation, submit to vote	7
3	S.	8	County agent, monthly expense account	8
4	S.	32	Cream and skim milk, definition.....	9
5	S.	31	purchases, posting grades, price dif- ferentials, etc.	10
6	S.	107	Dairy commissioner and assistants salaries	11
7	S.	197	Potatoes, labeling, branding, tagging for sale	12
ALCOHOLIC BEVERAGES				
8	S.	183	Sale minors, incompetents, Indians or drunkards unlawful	14
9	S.	184	Dealers license by attorney general	15
10	H.	169	Consumption and carrying in motor vehicle unlawful	17
11	H.	185	Retail liquor sale license and fees.....	18
12	H.	124	Sale election day, Memorial day and Good Friday prohibited.....	19
13	H.	236	Subsidizing retailers prohibited.....	20
APPROPRIATIONS				
14	H.	89	Bounties — wolf, coyote, fox, bobcat magpie	22
15	H.	71	Boys & girls club work county fairs.....	23
16	S.	54	Budget	24
17	H.	70	Burial penal inmates, soldiers & sailors headstones; release insane, taxable land list	37
18	S.	143	Divide county	38
19	H.	60	Fire department insurance tax.....	38
20	H.	114	deficit	39
21	H.	75	Firemens association	40
22	H.	69	Fugitives from justice.....	40
23	H.	341	Legislative assembly, expenses.....	41
24	H.	119	members allowance	41
25	S.	179	McLean county	42

Chap.	Bill	No.		Page
26	S.	148	Pension minor children of John E. Crites	43
27	S.	64	Presidential electors	43
28	H.	64	Refunds, misc.	44
29	S.	212	moneys paid general fund.....	44
SCHOOLS				
30	H.	49	Districts in financial distress.....	45
31	S.	69	High school correspondence study.....	46
32	H.	46	School lunch division, maintenance.....	46
33	H.	47	salaries & expenses.....	47
STATE DEPT'S, COMM'N, ETC.				
34	H.	80	Attorney general, assistant land dept....	48
35	S.	76	licensing dept.	48
36	S.	68	Bonding fund	49
37	H.	62	Bonds, state officials.....	50
38	H.	59	Coal mine inspector & safety work.....	50
39	H.	61	Emergency commission	51
40	S.	75	Equalization fund	52
41	H.	44	Escheated estate fund.....	53
42	S.	67	Fire & tornado fund.....	53
43	H.	86	Game & fish department.....	54
44	H.	198	special bulletin	55
45	H.	91	Gasoline tax division—state auditor.....	56
46	H.	74	Geological survey	57
47	S.	66	Hail insurance department.....	58
48	H.	83	Highway department	59
49	H.	84	motor patrol	60
50	H.	88	Historical society	61
51	S.	205	peace garden equipment	62
52	S.	114	Insurance commissioner—deficiency	63
53	H.	72	Laboratory department	63
54	H.	55	Law library	64
55	H.	57	Livestock sanitary board	65
56	H.	90	Motor fuel tax division—state auditor....	66
57	S.	121	state treasurer	67
58	S.	46	registration fund	67
59	H.	82	vehicle registrar	68
60	S.	172	National guard—armories	69
61	S.	65	Poultry improvement board	70
62	H.	58	Public health department, etc.	71
63	S.	74	Public service commission—auto trans- portation	73
64	S.	78	livestock dealers division.....	74
65	S.	123	salary deficiency	75
66	H.	78	Public welfare board	75
67	S.	63	Research foundation	78
68	H.	56	Seed department	78
69	H.	73	Soil conservation committee or districts	79

Chap.	Bill	No.		Page
70	H.	87	Teachers insurance & retirement fund....	80
71	H.	65	Veterans affairs commissioner.....	81
72	H.	96	aid fund	82
73	H.	112	emergency fund	83
74	H.	63	Veterinary medical examiners.....	84
75	H.	76	Water conservation administration fund	85
76	H.	85	Workmens compensation bureau.....	86
STATE INSTITUTIONS				
77	H.	204	Agricultural experiment station, north central & state seed farm	87
78	H.	299	sub experiment station, Hettinger.....	88
79	H.	81	Audits state industries	89
80	S.	70	Bank of North Dakota.....	90
81	S.	56	Blind, school for.....	91
82	H.	155	Capitol park addition, special assessments	92
83	S.	55	Deaf, school for.....	93
84	S.	57	Grafton, state school.....	94
85	S.	111	state-at-large deficiency	96
86	H.	66	care feeble minded undeterminable residence	97
87	H.	54	Higher learning	97
88	S.	59	Hospital for insane	104
89	S.	176	land purchase	105
90	H.	67	state-at-large patients	106
91	S.	110	deficiency	107
92	S.	71	Mill & Elevator association	107
93	S.	61	Penitentiary	108
94	H.	68	Soldiers home	110
95	S.	62	State farm	111
96	S.	109	fire insurance	112
97	S.	60	Training school	112
98	S.	175	land purchase	114
99	S.	58	Tuberculosis sanitorium	115
100	S.	72	Twine & cordage plant.....	116
TRANSFERS				
101	S.	127	Auto-transportation to highway operat- ing fund	118
102	S.	26	Equalization emergency to hail insurance	119
103	S.	128	Livestock dealers fund (\$5000) to gen- eral fund	120
104	S.	195	Milling bond payment \$23,027.00) to general fund	120
105	S.	185	Motor fuel tax fund (\$25,000) to general fund	121
106	H.	94	Post war rehabilitation, \$3,000,000 to....	121
107	H.	95	Post war rehabilitation to veterans aid fund	122

Chap.	Bill	No.		Page
BANKS AND BANKING				
108	S.	2	Agricultural Credit Corporations, liquidation of investments.....	123
109	S.	3	Bank of N. D., examination and reports by state examiner.....	124
110	H.	3	Bank of N. D., interest rates, etc.....	125
111	S.	125	Credit unions, loans, security, credit committee meetings	126
112	S.	13	Directors, qualifying shares, issue and transfer	127
113	S.	159	Loans and investments insured by U. S. or its instrumentalities.....	128
114	S.	282	Stock held by decedent, repeal duties county judge, etc.	129
115	S.	234	Termination receivership insolvent banks by state examiner	130
BUILDING AND LOAN ASSOCIATIONS				
116	S.	203	Loan repayment	132
CONSTITUTIONAL AMENDMENTS PROPOSED				
117	S.C.R.	13	Equal rights for women—amendment U. S. constitution.....	134
118	H.C.R.	H	Municipal liquor stores.....	135
119	S.C.R.	12	North Dakota medical center fund tax levy	136
120	S.C.R.	1	Post war rehabilitation reserve fund tax levy	137
121	S.C.R.	8	State institutional building fund tax levy	138
122	H.C.R.	Q	officers and members N. D. legislative assembly, salary and travel expense	139
123	H.C.R.	X	World war II adjusted compensation.....	140
CORPORATIONS				
124	S.	16	Securities exempt from supervision issue and sale	141
COUNTIES				
125	S.	265	County comm's erection memorials.....	144
126	S.	9	mileage and expenses	146
127	S.	12	salaries	147
128	S.	119	officers salary increase.....	148
129	S.	136	superintendents of schools salaries....	149
130	S.	118	Sheriffs fees boarding prisoners.....	150
CRIMES AND PUNISHMENTS				
131	S.	228	Board of pardons, general powers	151

Chap.	Bill	No.		Page
132	S.	186	burial expense inmates penitentiary and training school.....	152
133	H.	53	Names, prohibiting certain federal and related, also misleading	153
134	S.	225	Sentences, suspension of imposition, etc.	154

DOMESTIC RELATIONS AND PERSONS

135	H.	330	Adoption, who may petition district court	156
136	H.	187	Child abandonment or non-support.....	157
137	H.	297	neglect	158
138	S.	156	Divorce, grounds for	159
139	H.	188	Wife abandonment or non-support.....	160

EDUCATION

140	H.	143	Com. Sch'l Dist., board mem., comp'n, etc.	161
141	S.	102	clerk, duties, report, etc.....	162
142	H.	172	employment, etc., teachers, etc.....	163
143	H.	28	minimum term	164
144	S.	244	Ind. school district, election.....	165
145	S.	250	payment city treasurer.....	166
146	H.	109	Renewal teachers contract.....	166
147	H.	43	Reorganization school districts	168
148	H.	153	School buildings construction plan re- quirements	181
149	H.	48	School lunch program, non-profit	182
150	H.	30	Second grade ele. cert., granting.....	184
151	H.	338	Transportation optional with board	186
152	H.	213	High school tuition, foreign state	187
153	H.	116	County agri. & trg. school, joint mtce....	188
154	S.	37	Revenue producing inst'l bldgs., con- struction	189
155	S.	213	bonds	195
156	S.	286	Scholarship, orphans world war I and II veterans	196
157	H.	9	Public land patent,—effect where person dies before issue	198
158	H.	7	School lands, conveyance grant & non- grant lands	198
159	H.	326	leasing and sale	200
160	H.	149	sale procedure original grant lands.....	201
161	H.	6	sale of stumpage, Garrison area.....	204
162	S.	247	State equal. emer'y fund, expenditures	205
163	S.	249	maximum financial effort	211
164	S.	248	withdrawal, death, refunds.....	212
165	S.	103	Teachers Ins. & Ret. Fund, annuities....	214
166	S.	104	assessments	215

Chap.	Bill	No.		Page
167	S.	105	employer contribution	216
168	H.	275	withdrawal, death, refunds.....	218
169	S.	34	Vocational education, acceptance, etc.....	219
170	S.	35	rehab'n disabled, acceptance, etc.....	222

ELECTIONS

171	S.	232	Ballots—petitions, nominations, etc.....	229
172	H.	230	general, sample & notice publication....	237
173	H.	229	primary, " " " "	239
175	S.	108	separate party	241
176	S.	117	initiated & ref. measures, numbers and title	242
177	H.	147	Inspectors, judges, clerks, compensation	243
178	H.	136	National conven's, pay delegates expenses	243
174	S.	160	Precinct committeemen — ballot form, contents	240

FIRES

179	S.	15	Firemen's relief ass'n & pension fund, state examiner report.....	245
180	H.	166	Insurance tax apportionment by muni- cipality	246

FOODS DRUGS, OILS AND COMPOUNDS

181	S.	132	State lab. dept., app'tment, etc., director	247
182	S.	211	Insecticide, fungicide and rodenticide act	248

GAME, FISH AND PREDATORS

183	H.	175	Beaver protection	258
184	H.	111	Fur bearing animals, seasons for taking	259
185	H.	110	Game and fish commr's and game war- dens, salary and expenses	260
186	S.	224	Gun carrying, regulating	262
187	S.	173	Hunting on posted land and taking fur bearing animals without permission unlawful	263
188	H.	5	Predatory animal certificates, payment	264
189	S.	283	Wild life conservation project, filing and recording fees, repeal.....	265

GOVERNMENTAL FINANCE

190	H.	209	City bond issues, purposes and specific limitations	265
191	S.	1	Claims against townships and counties, receipts	268
192	S.	141	Municipal bonds, election, vote required	269

Chap.	Bill	No.		Page
193	H.	235	irrepealable tax	270
194	H.	2	Private sale U. S. or state agency.....	271
195	S.	200	Replacement public bldgs., vote	272
196	H.	32	School bus equipment purchase	274
GUARANTY, INDEMNITY, SURETYSHIP				
197	S.	229	Surety joint control moneys & assets of fiduciary	275
HEALTH AND SAFETY				
198	S.	167	Counties duty burial deceased persons....	276
200	H.	52	State health dept. reorg'n, hospital li- censing	279
199	H.	142	Fireworks, prohibiting sale, supervised public displays, penalties	277
HIGHWAYS, BRIDGES AND FERRIES				
201	S.	272	Designation secondary highway system	289
202	S.	181	Garbage, glass, etc., depositing on high- ways unlawful	290
203	H.	273	Highway recon'n work without letting contracts, etc	291
204	S.	222	Uniform traffic lights on highways, etc.	292
INSANE, FEEBLE-MINDED, TUBERCULAR, BLIND AND DEAF				
205	H.	340	Commitment tra'fer to vets. adm. or other U. S. ag'cy	293
206	S.	153	Commitment, & transfer to state or vet. hospital, duties sheriff	295
207	S.	274	Grafton state school, care county ex- pense, amount	296
208	H.	135	Reciprocal exchange, etc. insane, feeble- minded or epileptic persons	297
209	S.	275	Tuberculosis sanatorium, public charge patients county or state-at-large, amount	297
INSURANCE				
210	S.	23	Bonds public employees, premium elim- ination	298
211	S.	50	Fees chargeable by insurance comm'r....	300
212	H.	278	Accident and sickness ins. companies, age liminations, chge. beneficiary....	301
213	S.	251	policy holders, voting rights.....	302
214	H.	333	Casualty insurance, rate regulation	303

Chap.	Bill	No.		Page
215	H.	100	County mutual insurance companies, organization	318
216	H.	98	powers, liabilities, duties, etc.....	319
217	H.	179	Domestic insurance, investment of funds	320
218	H.	180	Limitation on purchase & conveyance real property	324
219	S.	258	Fire & tornado fund, assessments, rates, loss payments	325
220	H.	292	other property insurance, regulating..	329
221	S.	279	Fraternal benefit societies, certificate valuations	344
222	S.	162	Hail insurance—additional coverage.....	345
223	S.	47	adjustment of claims	347
224	S.	25	levy and indemnity tax.....	348
225	S.	48	Life insurance companies & agents, methods, practices, etc.....	350
226	S.	278	policy requirements other than stand. forms, valuations	353

JUDICIAL BRANCH OF GOVERNMENT

227	H.	129	Attorneys, foreign, practice in N. D.	357
228	S.	151	County, dist., sup. court, filing fees.....	358
229	S.	253	Dist. court terms fixed by sup. court....	360
230	H.	92	Salaries judges & clerks county courts incr., jurisdiction	361
231	S.	10	Salaries and expenses court reporters	362
232	S.	188	District judges	363
233	S.	208	Supreme court, salary clerk	364
234	S.	187	judges salary	365

JUDICIAL PROCEDURE, CIVIL

235	S.	260	N. D. sup. court reports, purchase by secretary of state	365
236	S.	252	Rules to sup. court briefs by sup. court	366
237	H.	237	Service by publication or outside state, when complete	367
238	H.	238	Summons, number publications	367

JUDICIAL PROCEDURE, CRIMINAL

239	S.	215	Judgments for fines & costs, status, etc....	368
-----	----	-----	--	-----

JUDICIAL PROCEDURE, PROBATE

240	H.	212	Distribution of estate, petition, notice, waivers, final decree	369
241	H.	161	Notice to creditors probate of estates....	370

Chap.	Bill	No.		Page
LABOR AND EMPLOYMENT				
242	H.	160	Labor relationships, unions or other ass'ns, strikes, etc, regulating.....	372
243	H.	151	Right to work not to be denied on account labor organ'n membership	376
LIVESTOCK				
244	H.	138	Licensing weighmen at public markets....	377
MILITARY				
246	S.	152	County vet'ns service officer appoint't	379
247	S.	6	salary & expenses	380
248	S.	154	Discharge papers, recording etc. without charge	381
249	H.	293	Employment preference, N. D. vets.....	382
250	H.	300	Graves N. D. servicemen buried in N. D. registration & record	383
251	S.	155	Minority disability vets & spouses, re- moval	384
252	H.	303	N. D. National guard, composition, etc....	385
MINING AND GAS AND OIL PRODUCTION				
253	H.	163	Minors under 18 unemployable in mining industry; penalty	386
254	H.	164	Safety rules & enforcement by state coal mie inspector	387
255	S.	259	Salary state coal mine inspector	387
MOTOR VEHICLES				
256	H.	334	Accidents & damage claims reports, fi- nancial responsibility, owners & op- erators, etc.	388
257	H.	315	Application for registration, contents.....	408
258	H.	132	Defining dealers' in motor vehicles.....	409
259	H.	319	persons disqualified to receive drivers licenses, reciprocity, revoc'n, etc....	410
260	H.	13	Distance between trucks following one another	413
261	H.	264	Duplicate plates, title certificate or reg- istration card; fee	414
262	H.	12	Highway patrolmen, appointment, re- moval, duties	415
263	H.	202	Interstate vehicle fees	417
264	H.	251	Length limitations motor vehicles.....	418
265	H.	10	License, operators tests; fees	419
266	H.	11	operators term & fee	421

Chap.	Bill	No.		Page
267	S.	44	fees commercial & non-commercial trucks	422
268	S.	43	fees motor vehicles within municipality or used for agric. purposes.....	424
269	S.	45	fees passenger motor vehicles.....	426
270	H.	33	Qualifications school bus drivers; defining	427
271	H.	200	Registration fee exemption, reciprocity....	428
272	H.	194	disabled veterans	431
273	H.	34	School bus meeting or overtaking.....	431
274	H.	211	Unsatisfied judgment fund; payment certain judgments	432
275	H.	15	Speed limitations	436
276	H.	201	Tax exemption; vehicles within corporate limits & out-of-state vehicles.....	437

MUNICIPAL GOVERNMENT

277	S.	93	City employees pension fund tax levy limitation	438
278	S.	14	treasurer triplicate receipts.....	439
279	H.	154	war emergency fund, transfer to general fund	440
280	S.	268	Municipal utilities, establishment, construction, etc	440
281	H.	189	Ordinances, enactment	442
282	H.	173	Park commissions, yea & nay vote, when; contracts, debt limit, etc.....	443
283	H.	42	Public recreation system, establishment	445
284	S.	277	Public works project, federal or state, establishment, etc.	449
285	H.	122	Special assessment, by spec'l assessment commission	450
286	H.	208	improvement expense, power municip's	452
287	S.	207	warrants—refunding callable funding bonds	453
288	H.	1	improvement assessments, deficiency tax levies	454
289	S.	210	Surplus municipal utilities fund, trans.	455
290	H.	168	Village marshal, appointment by trustees	456
291	H.	167	officers, when elected, combining.....	456
292	H.	165	Voters registration in municipalities....	457

OCCUPATIONS AND PROFESSIONS

293	H.	39	Barber apprentice registration.....	458
294	H.	37	Board members compensation & mileage	459
295	H.	38	Shop owners establishment fee	459

Chap.	Bill	No.		Page
296	H.	127	Chiropractic hospitals, establish't, licens- ing, etc.	460
297	H.	302	Cosmetology, regulating practice	464
298	H.	228	Dental hygienists regulating practice.....	469
299	S.	39	Practical nurses	473
300	S.	177	Optometry, regulating practice.....	478
OFFICES AND OFFICERS				
301	H.	335	Vacancies public office & their causes....	480
PRINTING LAWS				
302	H.	99	Publication legal notices; fees	482
303	S.	217	session laws; copyright	483
PROPERTY				
303	S.	129	Trade marks, registration.....	484
PUBLIC UTILITIES				
305	H.	216	Clearance of obstructions on railroads....	485
306	H.	309	Electric supply lines, raising & lowering for moving buildings	486
307	S.	17	Examiners public service comm'n, app't	487
308	S.	142	Lignite mines to sell to farmers.....	488
309	H.	120	Locomotive sound warnings at public highway crossings	489
310	S.	137	Motor carriers, common, special & con- tract—regulating	490
311	S.	21	exemptions farmers, etc hauling own goods	491
312	S.	126	Public service comm'rs, payment, 1945, 1946 expenses	492
313	S.	131	comm'rs, payment, 1947, 1948 expenses	493
PUBLIC WELFARE				
314	H.	20	Aid to dependent children, defining & eligibility	494
315	H.	24	Births out of wedlock & births with con- genital deformities, report.....	496
316	H.	23	Maternity homes for unmarried mothers, licensing & supervision	498
317	H.	18	Old age assistance, recovery from person liable for support	502
318	H.	16	Old age assistance, recovery from reci- pient's estate, etc.	503
SALES AND EXCHANGES				
319	S.	204	Supply depot, etc. maintained in state by manufac'rs of farm mach'ry, autos, fire equip't, etc.....	504

Chap.	Bill	No.		Page
SOCIAL SECURITY				
320	H.	182	Old age & survivor insurance system, establishing	505
321	S.	166	Unemployment comp'n admini. fund.....	524
STATE GOVERNMENT				
322	S.	242	Attorney general, salary	525
323	H.	332	Board of administration, children placement & adoption	526
324	H.	199	Legislative research committee, membership	527
325	S.	113	Mining experiment station premises, conveyance city of Hebron	528
326	H.	126	North Dakota—bank & other industr. inst'ns—annual examination	529
327	H.	120	hymn	529
328	S.	4	mill & elevator ass'n, annual audit....	529
329	H.	270	state tree & bird	530
330	S.	256	State budget director, appointment, etc.	531
331	S.	112	charitable & penal inst's, employees....	534
332	S.	198	buildings, etc., permanent appr.....	535
SUCCESSION AND WILLS				
333	H.	162	Descent of property	536
TAXATION				
334	H.	45	Estate tax collection & refunds.....	537
335	S.	120	Gross estate resident decedent	538
336	S.	122	Income tax—definitions 'capital asset' & 'date effective'	539
337	S.	261	'gross income'	540
338	H.	207	reciprocity	541
339	H.	107	return by individuals.....	542
340	H.	311	Mineral rights privilege tax-levy & collection; distribution	543
341	H.	223	Motor fuel tax—destruction certain old records	544
342	H.	105	vehicle fuel tax—refund claims.....	545
343	H.	224	tax & motor fuel tax—rules & regul'ns	546
344	H.	193	Sales tax—collection & distribution.....	547
345	S.	133	School district building fund, use.....	562
346	H.	31	special reserve fund expenditure limitation, etc.	563
347	S.	52	Tax levy—cities for air ports.....	564
348	H.	290	village & park districts, air ports.....	565
349	S.	209	cities & villages, construction funds ...	565

Chap.	Bill	No.		Page
350	S.	243	counties, discretionary levy farm to market road funds	567
351	S.	150	school districts—building fund	568
352	H.	103	townships	569
353	H.	234	surfacing highways	570
354	S.	165	unorganized	571
355	S.	90	limitations, cities	572
356	S.	78	counties	573
357	H.	123	park districts	575
358	H.	121	political subdivisions, exemptions.....	576
359	H.	26	school districts	577
360	S.	98	townships, creating special road fund, etc.	578
361	S.	79	townships unorganized	579
362	S.	95	villages	580
363	H.	283	Township board of equalization, posting meeting notice, repeal	581

TOWNSHIPS

364	S.	144	Annual township meeting, time, place, notice	581
365	H.	145	Clerk, compensation & fees	582
366	H.	146	Supervisors, compensation	583
367	H.	4	Treasurer, duties, warrant form; dis- bursing funds	584
368	S.	19	Storage companies, licensing & bond- ing as public warehouses	585

WATERS

369	H.	148	Existing drains, repairs by county com- missioners	586
370	S.	170	Flood irrigation projects, hearing, notice, review assessments, etc.	589
371	S.	226	Irrigation districts, bonds, refunding or paying outstanding bonds	591
372	S.	231	Irrigation districts, organization	593
373	S.	171	Water conservation—districts, secretary, board powers, tax levy, etc.....	600

WEIGHTS, MEASURES AND GRADES

374	S.	163	Inspection weighing & measuring de- vices, fees	605
-----	----	-----	--	-----

WORKMEN'S COMPENSATION

375	S.	269	Definitions, premium payment, claims & compensation, reciprocity.....	607
376	H.	233	Investment of funds.....	611

Chap.	Bill	No.		Page
377	H.	231	Jurisdiction	612
378	H.	257	Safety engineer, appointment	613
379	H.	232	Weekly wage determination	615
380	H.	310	veteran-on-the-job training	616
INITIATED MEASURES APPROVED				
381			Liquor-food divorcement; prohibiting connecting doorways, etc.	617
382			Refund motor vehicle fuel tax used for agricultural or industrial purposes.....	618
CONSTITUTIONAL AMENDMENTS DISAPPROVED				
			Compensation legislative assembly.....	621
			Optional form of government for counties	621
			Tax levy for post war rehabilitation.....	621
REFERRED MEASURE DISAPPROVED				
			Valuation basis for computing tax.....	622
VETOES				
H.	265		Bank of N. Dak. transfer of funds, loans, etc.	622
H.	263		Motor vehicle fees—distribution	624
S.	284		Valuation basis for computing tax.....	625
RESOLUTIONS				
H.C.	H		Air transportation Duluth to Seattle	627
H.R.	2		Appreciation Gen'l Pick, Col. Wanamaker & people of Garrison, courtesies Gar- rison dam tour	628
S.R.	C		Appreciation Gen'l Pick, Col. Wanamaker & people of Garrison, courtesies Gar- rison dam tour	629
S.C.	20		Box car supply & distribution—control removal	630
S.R.	F		Bush, C. G.—commendation for courage- ous acts	631
S.C.	22		City of Bismarck—congratulation 75th birthday	632
			Constitutional amendments— (See pages 134-140)	
H.C.	G		Family income division for tax purposes	633
H.C.	Z		Farm crops—90% parity floor	634

Chap.	Bill	No.		Page
	S.C.	21	Flax price differential (1946) payment	635
	H.C.	W	Foot & mouth disease—control	637
	H.C.	T	Gilbertson, G. A.—appreciation meritor- ous public service	638
	S.C.	7	Gummed annotations Rev. code 1943— distribution	639
	H.C.	E	Heart river & other portions Missouri Souris project—construction	640
	H.C.	V	Highway funds—extension federal aid availability	641
	S.C.	3	Legislature—bills & resolutions record system	643
	H.C.	CC	chambers & committee rooms—im- provement	644
	S.R.	A	committee room—rental downtown...	645
	S.C.	6	committees—revised codes for.....	645
	H.R.	6	electric roll call system, house—ap- proval & acceptance	646
	S.C.	25	electric voting system, senate—author- izing	646
	S.C.	4	employees & salaries.....	647
	S.C.	11	memorial hall for dances.....	649
	H.C.	EE	journal completion	650
	H.C.	DD	legislative work.....	650
	H.C.	FF	record of senate & house bills.....	651
	S.C.	2	janitor service	652
	H.C.	B	legislative research committee—mem- bership	652
	H.R.	3	official photographer, house.....	654
	S.R.	B	senate	655
	H.C.	K	Liquor advertising—barring from inter- state mails, etc.	655
			Memorials—	
	S.M.	C	Adams, John J.....	656
	S.	F	Arnold, Horace F.	657
	S.	G	Barnes, Ira A.	657
	S.	B	Erickson, Oscar E.	658
	S.	A	Hamilton, David Henry	659
	S.	E	Handley, W. S.	660
	S.	H	Hanley, J. M.	661
	S.	K	Thatcher, William A.	662
	S.	I	Topp, Otto	663
	S.	D	Worst, John H.	664

Chap.	Bill	No.		Page
	S.J.M.	J	Adams, J. J.	Hanley, J. M.
			Arnold, Horace F.	Kaldor, Theodore
			Barnes, Ira A.	Thatcher, William A.
			Erickson, Oscar E.	Topp, Otto
			Hamilton, D. H.	Worst, John H.....
			Handley, W. S.	665
	H.J.	M	Frazier, Lynn J.	667
	H.J.M	5	Adams, J. J.	Johnson, John A.
			Armstrong, Henry A.	Kaldor, Theodore
			Arnold, Horace F.	Kjos, J. J.
			Bolkan, C. P.	Langedahl, L. S.
			Butler, P. H.	Lemieux, D.
			Carlson, C. F.	Levin, Aaron
			Dahl, J. A.	McDowell, Hugh
			Dahl, Samuel L.	McGill, John
			Doyle, J. J.	Miller, J. C.
			Ehr, John	Opland, Ole H.
			Elhard, George	Owens, W. G.
			Ellingson, Lars	Pierce, J. Dexter
			Erickson, Oscar E.	Rait, Robert
			Fedje, Benjamin J.	Rinde, N. H.
			Ferris, Fred	Rose, George
			Flannagan, W. J.	Sand, Paul
			Gainor, Malachi	Sanderson, Laura B.
			Hagen, Oscar	Schurr, Fred J.
			Haines, Frank J.	Shiple, D. E.
			Hammond, C. B.	Strutz, Gustave
			Hanley, J. M.	Symington, Earl
			Harvey, John L.	Thompson, J. N.
			Hawkinson, N. W.	Tweten, J. T.
			Hendrickson, Henry	Ueland, Lars A.
			Henrikson, J. H.	Wadson, Robert
				667
	H.C.	P	Missouri river development—support....	670
	S.C.	18	National guard field training Camp	
			Grafton	671
	H.C.	U	Private truck carrying agricultural prod-	
			ucts—reclassification	672
	S.C.	26	Roosevelt national park in Bad Lands—	
			creation	673
	H.R.	4	Rudolf, Samuel and Mrs.—congratula-	
			tions upon marriage	674
	H.C.	C	Rural electrification throughout U. S.—	
			continuance	675
	H.C.	BB	State school of science—acceptance land	
			conveyed by Wahpeton Chamber of	
			Commerce	676
	H.C.	AA	Appreciation & thanks Wahpeton Cham-	
			ber of Commerce for land transfer....	677

Chap.	Bill	No.		Page
	S.R.	E	Thatcher, Willam A.—payment of salary	678
	S.C.	24	Thatcher, William A.—funeral expenses	678
	H.C.	Y	Veterans—Indian veterans—removal of U. S. restrictions	679
	H.C.	N	N. D. submarginal lands—homestead for veterans rehabilitation	680
	S.C.	23	Psycopathic hospital—location in N. D.....	680
	S.R.	D	Watt, William & Mrs.—congratulations upon 50th wedding anniversary.....	681
	H.C.	D	Wheat bonus (1945)—payment	682

THE LAWS

AERONAUTICS

CHAPTER 1

S. B. No. 40

(Brant for the Legislative Research Committee
at the request of the Division of Aeronautics).

CREATING NORTH DAKOTA AERONAUTICS COMMISSION

AN ACT

Relating to aeronautics; creating a state aeronautics commission and the office of director of aeronautics; prescribing the powers and duties of such commission and director; prescribing penalties; authorizing issuance of certificates; requiring the filing of tariffs; imposing fees; repealing chapter 2-01 of the North Dakota Revised Code of 1943, and chapter 38 of the Session Laws of 1945, and declaring an emergency.

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

§ 1. AERONAUTICS COMMISSION; CREATION; MEMBERSHIP.] There is hereby created the "North Dakota aeronautics commission" to consist of five members, who shall be appointed by the governor for a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. Each member of the commission shall be a qualified elector of this state and shall be appointed by the governor. The governor shall appoint the members of the aeronautics committee as the first members of the commission, who shall serve their respective terms to which they were appointed as members of the committee. Thereafter prior to the expiration of the term of each commissioner, or in case of a vacancy, the governor shall appoint a successor as herein provided. Any member of the commission may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. Each member of said commission shall receive the sum of eight dollars per day for each day actually engaged in the performance of the duties of his office, and

with traveling expenses as provided by section 54-0609 of the North Dakota Revised Code of 1943 to be claimed as provided therein, and his board and lodging while away from his home in the performance of his official duties as provided by section 44-0804 of the North Dakota Revised Code of 1943, provided that 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 as provided in section 54-1404 of the North Dakota Revised Code of 1943.

§ 2. DIRECTOR OF AERONAUTICS; APPOINTMENT; QUALIFICATIONS; COMPENSATION.] A director of aeronautics shall be appointed by the commission to serve at the pleasure of the commission. He shall devote his entire time to the duties of his office, and he shall have no pecuniary interest in or any stock or bonds of any civil aeronautical enterprises. He shall receive such compensation as the commission may determine and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties, at the same rates and under the same conditions for the payment of traveling expenses and board and lodging as is provided in section 1 hereof.

§ 3. POWERS AND DUTIES OF DIRECTOR.] The director shall be the executive officer of the commission. He shall attend, but not vote at, all meetings of the commission. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission which are legally authorized. The director shall appoint, subject to the approval of the commission such employees as may be necessary for the proper discharge of the functions of the commission.

§ 4. COMMISSION ORGANIZATION; REPORTS; OFFICES.] The commission shall, within thirty days after its appointment, organize, and make such rules and regulations for its administration, as it may deem expedient. On or about December 1st of each year, the commission shall submit a written report to the governor of its proceedings during the preceding fiscal year, an itemized statement of all revenue and of all expenditures made, and any additional information which may be required by the governor. The commission shall maintain its office in the state capitol.

§ 5. DUTY OF COMMISSION IN DEVELOPMENT OF AERONAUTICS.] The commission shall have general supervision over aeronautics within this state and shall:

1. Encourage the establishment of airports and air navigation facilities;

2. Cooperate with and assist the federal government, the municipalities of this state, and other persons in the development and coordination of all aeronautical activities;
3. Represent the state in aeronautical matters before state and federal agencies;
4. Participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

§ 6. FEDERAL AID.] The commission may act as agent of all municipalities in accepting, receiving, receipting for, and disbursing federal moneys, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of municipal airports or air navigation facilities. The commission, as principal on behalf of the state, and for any municipality, may enter into any contracts, with the United States, with any municipality, or with any person, which may be required in connection with a grant or loan of federal moneys for municipal airport or air navigation facility purposes, provided that no contract shall be entered into on behalf of any municipality except pursuant to written request of such municipality. All federal moneys accepted under this section shall be accepted and transferred or expended by the commission upon such terms and conditions as are prescribed by the United States. All moneys received by the commission pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purpose for which the moneys were made available, and held by the state for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

§ 7. STATE AIRWAYS.] The commission may designate, design, and establish, expand, or modify a state airways system which will best serve the public interest.

§ 8. RULES, REGULATIONS, STANDARDS.] The commission may perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable rules, regulations, and procedures, and establish such minimum standards, as it shall deem necessary.

§ 9. RECKLESS OPERATION OF AIRCRAFT.] No person shall operate an aircraft in the air, or on the ground or water,

while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, nor operate an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger life or property.

§ 10. REGISTRATION OF AIRMEN.] Every individual who pilots, maintains, and certifies airworthiness of an aircraft within this state shall register with the commission and shall renew such registration each year thereafter in which he pilots, maintains, or certifies airworthiness of an aircraft within this state. The commission shall charge for any one or more such registrations for each individual or company, and for each annual renewal thereof, a fee of one dollar.

§ 11. AIRCRAFT REGISTRATION; FEES.] Every aircraft operating within this state for more than thirty (30) days shall be registered with the commission for each year in which the aircraft is operated within this state, subject to rules and regulations established by the commission. The commission shall charge for each such registration, and for each annual renewal thereof, the following fees:

Gross Weight in Pounds		License Fees
0 to	1,000	\$ 15.00
1,001 to	1,500	18.75
1,501 to	2,000	22.50
2,001 to	2,500	30.00
2,501 to	3,000	37.50
3,001 to	3,500	45.00
3,501 to	4,000	52.50
4,001 to	5,000	60.00
5,001 to	6,000	75.00
6,001 to	7,000	90.00
7,001 to	8,000	105.00
8,001 to	9,000	120.00
9,001 to	10,000	135.00
10,001 to	15,000	150.00
15,000 to	20,000	225.00
20,001 to	30,000	300.00
30,001 to	40,000	450.00
40,001 to	50,000	600.00
50,001 to	75,000	750.00
75,001 to	100,000	1,125.00
100,001 and over	.....	1,500.00

The above fees to be reduced ten per cent (10%) each year after the initial registration until the fee reaches a figure equal to fifty per cent (50%) of the original registration fee, which shall be the fee each year thereafter. All weights shall

be based upon the maximum permissible take-off weight. The above registration fee shall be in lieu of personal property taxes upon such aircraft. Seventy-five per cent (75%) of each registration fee so collected by the commission shall be returned by the commission to the treasurer of the county of the registrant's residence or if the registrant is not a resident of North Dakota then to the treasurer of the county in which is located the airport at which the registrant's aircraft is based and the county treasurer shall pay such remittances over to the municipality operating an airport within said county; provided that if there is more than one publicly owned and operated airport within said county, that the said moneys shall be prorated between said public airports on the same ratio that the assessed value of each municipality operating an airport shall bear to the total assessed value of all municipalities operating airports within said county; and if there are no publicly owned or operated airports in said county, said remittances so paid to the county treasurer shall be held and retained by said treasurer in a separate fund to be used in the future for airport purposes.

§ 12. LICENSING OF AIR SCHOOLS AND AERONAUTICS INSTRUCTORS.] The commission may provide for the licensing of air schools, and of aeronautics instructors giving instructions in ground subjects pertaining to aeronautics. For each license it shall charge an annual fee of ten dollars.

§ 13. INVESTIGATIONS, HEARINGS.] The commission may hold investigations and hearings concerning matters covered by the provisions of this Act which shall be open to the public and shall be held upon such call or notice as the commission shall deem advisable. Each member of the commission may administer oaths and issue subpoenas.

§ 14. ENFORCEMENT OF AERONAUTICS LAWS.] *The* commission, its members, the director, officers and the employees of the commission, and every state patrolman and all peace officers shall enforce and assist in the enforcement of this Act.

§ 15. COMMON CARRIER CERTIFICATE REQUIRED.] No person shall engage in the business of a common carrier by aircraft unless there is in force a certificate issued by the commission authorizing such person to engage in such business according to rules and regulations promulgated by the commission and after public hearing. The commission shall

charge and collect the following fees for common carrier certificates:

For certificate	\$150.00
For transfer of certificate	50.00
For duplicate certificate	10.00

For the purposes of this section, "common carrier" shall mean aircraft operating on a definite schedule between fixed termini.

§-16. FILING OF TARIFFS; REQUIRED.] Every common carrier by aircraft shall file with the commission, and make available to the public, tariffs showing all rates, fares, and charges for air commerce between points served by it, and between points served by it and points by any other common carrier by aircraft when through air commerce service and rates have been established, together with all classifications, rules and regulations applicable to such air commerce.

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

§ 18. REPEAL.] That chapter 2-01 of the North Dakota Revised Code of 1943 and chapter 38 of the Session Laws of North Dakota for the year 1945 are hereby repealed.

§ 19. 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 22, 1947.

AGRICULTURE

CHAPTER 2

H. B. No. 93—(Callahan and Stair)

CONTINUATION AGRICULTURAL FAIR TAX TO BE SUBMITTED TO VOTE

AN ACT

To amend and reenact Section 4-0230 of the North Dakota Revised Code of 1943; providing for submitting to electors the question of continuing and discontinuing annual tax levy in aid of agricultural fairs, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 4-0230 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0230. TAX PROVIDED FOR TO BE SUBMITTED TO VOTE.] Whenever the board of county Commissioners shall have voted and ordered a tax levied in aid of an agricultural fair, at the next general election the question of continuing the annual levy and collection of the tax shall be submitted to a vote of the people of the county. The county auditor shall certify and give notice of the submission of the question as in such cases provided by law. The ballots to be used at the election shall be in the following form:

For tax in aid of county fair	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

If a majority of the ballots heretofore or hereafter cast on the question at any such election is in favor of continuing such tax, the board of county commissioners shall continue the annual levy hereof as long as the provisions of Section 4-0229 are complied with and until otherwise directed as herein provided.

Whenever a petition addressed to such board, asking the discontinuance of such tax and containing the signatures of the qualified electors of the county in a number equal to

twenty percent of the total vote cast in the county at the last preceding general election, is filed in the office of the county auditor, the board shall submit to the electors of the county at the next succeeding general election the question of whether or not the levying of such tax shall be continued. The ballot shall be in the following form:

Yes

Shall the board of county commissioners
continue the annual levy of a tax in aid
of county fair?

No

If a majority of all the ballots cast at such election is in favor of discontinuing the tax, the board of county commissioners shall not thereafter levy any tax under this chapter.

Before every such election, the county auditor shall certify and give notice of the submission of the question as in such cases provided by law.

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

Approved March 3, 1947.

CHAPTER 3

(Brant for Legislative Research Committee at
the request of Office of State Examiner)

S. B. No. 8

COUNTY AGENT SUBMIT MONTHLY EXPENDITURE ACCOUNT AN ACT

To amend and reenact Section 4-0810 of the North Dakota Revised Code of 1943 providing for county agent to submit monthly account of expenditures.

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

§ 1. AMENDMENT.] That Section 4-0810 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0810. COUNTY AGENT TO SUBMIT MONTHLY ACCOUNT OF EXPENDITURES.] An accurate itemized account of all ex-

penditures incurred by the county agent in the regular conduct of his duties shall be submitted monthly by him to the extension division of the agricultural college for examination and audit. Where charges are made by a county agent 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. 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 county. Where charges are made for transportation expenses they 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. Such account shall be transmitted and recommended for payment by the extension division of the agricultural college which shall audit the same and which may approve or disallow any expense item therein. The extension division of the agricultural college shall be under the control, and subject to the supervision, of the state board of higher education.

Approved February 27, 1947.

CHAPTER 4

S. B. No. 32

(Brant for Legislative Research Committee at the request of Department of Agriculture and Labor)

CREAM AND SKIM MILK—DEFINITION

AN ACT

To amend and reenact Subsections 10 and 11 of Section 4-1801 of the North Dakota Revised Code of 1943, defining cream and skim milk.

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

§ 1. AMENDMENT.] Subsections 10 and 11 of Section 4-1801 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

4-1801. TERMS DEFINED.]

10. "Cream" is that portion of milk which contains not less than twenty per cent butterfat.

11. "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 per cent of milk solids not fat;

Approved March 6, 1947.

CHAPTER 5

S. B. No. 31

(Brant for Legislative Research Committee at the request of Department of Agriculture and Labor.)

CREAM PURCHASES—POSTING PRICES OF GRADES AND PRICE DIFFERENTIALS

AN ACT

Amending and reenacting Section 4-1816 of the North Dakota Revised Code of 1943, relating to purchases of cream, the posting of prices of grades and the maintenance of reasonable price differentials for the grades of cream.

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

§ 1. AMENDMENT.] That Section 4-1816 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

4-1816. PURCHASES OF CREAM; PRICES OF GRADES TO BE KEPT POSTED.] All purchase of cream shall be on the basis of the grades defined in Section 4-1815. Every person, firm, or corporation owning, purchasing or managing a creamery, cream station, or other butterfat purchasing establishment in this state where butterfat is purchased, shall post the prices being offered for butterfat at such station. If any different price is being offered at any other butterfat purchasing establishment owned, operated or controlled by the same person, firm or corporation within one hundred miles, there also shall be posted at the same place the amount of each different price being offered on the same day at such other places. If a different price is being paid at any one butterfat purchasing establishment within a radius of one hundred miles owned, operated, or controlled by the same person, firm, or corporation for butterfat shipped directly, than is being offered for butterfat delivered at such point, both a direct shipment and delivered price must be so posted. All such prices shall be

posted in a place where they can be clearly seen from the street. A price different from that so posted for any given town or cream buying establishment shall not be paid for such products. All purchases of cream and butterfat shall maintain a reasonable price differential for such grades and at no time shall this differential be less than one cent per butterfat pound between grades.

Approved March 6, 1947.

CHAPTER 6

S. B. No. 107

(Nordhougen and Flatt)

SALARIES DAIRY COMMISSIONER AND ASSISTANTS

AN ACT

To amend and re-enact Section 4-1707 of the North Dakota Revised Code of 1943 as amended by Chapter 264 of the 1945 Session Laws, fixing the annual salaries of the Dairy Commissioner and Assistant Dairy Commissioners.

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

§ 1. AMENDMENT.] That Section 4-1707 of the North Dakota Revised Code of 1943 as amended by Section 1 Chapter 264 of the 1945 Session Laws is hereby amended and re-enacted to read as follows:

4-1707. Salaries of Dairy Commissioner and Assistants.] The Dairy Commissioner shall receive a salary not in excess of Three Thousand Three Hundred dollars per annum and the assistant dairy commissioners shall receive a salary not in excess of Three Thousand Dollars per annum. The salaries to be fixed by the commissioner of agriculture and labor within the limits of the legislative appropriation therefor.

Approved March 6, 1947.

CHAPTER 7

S. B. No. 197

(Bridston, Nelson of McKenzie and O'Brien)

POTATOES—LABELING, BRANDING OR TAGGING FOR SALE**AN ACT**

Amending and reenacting Section 4-1005 of the North Dakota Revised Code of 1943, as amended by Chapter 47 of the Session Laws of 1945, relating to labeling of potatoes in shipment; branding or tagging potatoes being transported or offered for sale or consignment, and providing a savings clause.

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

§ 1. AMENDMENT.] That Section 4-1005 of the North Dakota Revised Code of 1943, as amended by Chapter 47 of the Session Laws of 1945, be and the same is hereby amended and reenacted to read as follows:

4-1005. LABELING, BRANDING, TAGGING POTATOES IN CLOSED CONTAINERS.] Every closed container packed with potatoes grown in North Dakota, being transported, or offered for sale or consignment shall bear upon the outside thereof, either by brand, tag or label, in plain letters and figures, the net weight when packed and correct grade designation, or, in lieu thereof, each container shall be labeled to show the net weight when packed and official North Dakota inspection shall be obtained and the lot must not be mislabeled.

When an individual shipment is made from such towns or stations at which regular inspection service is not maintained, and when such shipments cannot be so routed as to be stopped in transit for inspection at a town or station at which inspection service can be provided, or when due to unforeseen circumstances which make it physically impossible for an inspector to perform such inspection, or when definite or sufficient evidence followed by proof if demanded is presented to establish the fact that the shipment will be reprocessed and when inspection service is available officially inspected in transit, then the commissioner, or his agent, may waive, by a special written permit, the inspection and labeling requirements provided in this section for such individual shipment.

The commissioner shall, by regulation, prescribe the general location of the labeling on the container and the minimum and maximum size of the letters and figures used in the labeling of the potatoes as herein provided.

Provided, however, the commissioner may after receiving a request from at least fifty potato growers call a public hearing of potato growers at which hearing at least 150 potato growers must be present and if two-thirds of the growers present at such meeting approve he may promulgate and establish rules and regulations governing the grades of potatoes which may be offered for sale, shipment, or consignment, or which may be transported by railway, truck, or otherwise within or from the state, and governing the use of labels, marks and brands that may be used upon closed containers packed with potatoes grown in North Dakota, being transported or offered for sale or consignment, and governing the establishment and use of State Brands.

For the purpose of this act a potato grower shall be defined as any person who produces more than three acres of potatoes.

If any grower registers as such at the State Seed Department office, he shall be entitled, during that calendar year, to written notice of any public hearing for potato growers, called by the Commission.

Any rules and regulations, promulgated and established as a result of such hearing may be rescinded by regulation if such regulation is approved by a majority of potato growers present at a subsequent public hearing called by the Commission for that purpose.

§ 2. If any part or provision of this act shall be declared unconstitutional by a court of competent jurisdiction, the remaining portion shall continue in full force and effect.

Approved March 20, 1947.

ALCOHOLIC BEVERAGES

CHAPTER 8

S. B. No. 183

(Torno, Olson of Mountrail, Murry and Frojen)

SALE OF BEER AND ALCOHOLIC BEVERAGES TO MINORS, INCOMPETENTS, INDIANS, HABITUAL DRUNKARDS—PENALTIES

AN ACT

To amend and reenact section 1 of chapter 52 of the Session Laws of North Dakota for the year 1945, relating to the sale of beer and alcoholic beverages to persons under twenty-one years of age, incompetent persons, Indians defined by federal law, or to a person, who is an inebriate or habitual drunkard, prescribing penalties, and declaring an emergency.

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

§ 1. AMENDMENT.] That section 1 of Chapter 52 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

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

§ 2. 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 20, 1947.

CHAPTER 9**S. B. No. 184****(Torno, Frojen, Murry, Olson of Mountrail and Olson of Barnes)****SUSPENSION OR REVOCATION RETAIL ALCOHOLIC BEVERAGE
LICENSE****AN ACT**

To amend and reenact sections 9 and 11 of chapter 50 of the Session Laws of North Dakota for the year 1945, relating to the licensing by the attorney general of retail beer dealers and retail liquor dealers; and prescribing penalties for violations.

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

§ 1. AMENDMENT.] That section 9 of chapter 50 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 9. SUSPENSION OR REVOCATION OF LICENSE.] If, after such hearing, the attorney general finds that the violation or violations charged in the affidavit have been established by the evidence, he shall order the revocation or suspension of the license. If the attorney general finds that the licensee has not previously violated the law in the operation of his licensed business and that no license held by him has previously been suspended or revoked and if it appears to the satisfaction of the attorney general that there is reasonable ground to believe that the licensee will not again commit the offense or offenses charged in the affidavit and that to revoke the license would be unduly severe, then the attorney general may in his discretion, suspend the license for such period of time as he deems proper.

Any person, firm, or corporation whose license is revoked by the attorney general pursuant to the provisions of chapter 50 of the Session Laws of North Dakota for the year 1945, and acts amendatory thereof, shall not be eligible thereafter to engage in the sale of beer, alcohol and alcoholic beverages at any place in this state either personally, or indirectly by having a financial interest in such business, until such revocation of license is rescinded by the attorney general. Any person, firm, or corporation whose license is suspended by the attorney general shall not be eligible during the period of such suspension to engage in the sale of beer, alcohol or alcoholic beverages at any place in this state either personally, or indirectly by having a financial interest in such business.

§ 2. AMENDMENT.] That section 11 of chapter 50 of the Session Laws of North Dakota for the year 1945 is hereby

amended and reenacted to read as follows:

§ 11. REVIEW BY THE COURT.] The action of the attorney general in revoking or suspending a license may be appealed to the district court of the county and district in which the premises described in the license are located by procedure applicable to appeals from justice court except that the attorney general's order revoking or suspending the license may be stayed by the court appealed to upon filing with the clerk of said court a bond approved by and in the amount set by the judge of said district court for the faithful observance of the laws of the state relative to the operation of the business licensed during the pendency of the appeal.

Such appeal shall be heard and determined by the court, without a jury, at any time fixed by the court. A certified transcript of the evidence adduced at the hearing provided for in section 8 of chapter 50 of the Session Laws of North Dakota for the year 1945 may be introduced in evidence and shall be considered by the court.

The revocation or suspension of a licensee's municipal or county license shall automatically revoke or suspend such licensee's state license.

§ 3. PENALTY.] Any person, firm, partnership or corporation violating any of the provisions of chapter 50 of the session laws of North Dakota for the year 1945 as amended shall be punished by a fine of not less than ten dollars and not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days or by both fine and imprisonment; or may be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by not to exceed ninety days in jail, or by both such fine and imprisonment.

Approved March 7, 1947.

CHAPTER 10

H. B. No. 169

(Wambheim, Lillehaugen, Williams, Dronen and Wollitz)

**CONSUMPTION AND POSSESSION ALCOHOLIC BEVERAGES
IN MOTOR VEHICLE UNLAWFUL—PENALTY.****AN ACT**

Making it Unlawful for any Person to Drink or Consume Beer or Alcohol or Alcoholic Beverages in an Automobile, Truck, or Bus, or to have in his Possession in an Automobile, Truck, or Bus, an Opened Bottle or Other Receptacle Containing Beer, Alcohol, or Alcoholic Beverages as Defined in Section 5-0101 of the North Dakota Revised Code of 1943, and Prescribing Penalty.

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

§ 1. UNLAWFUL TO HAVE OPENED RECEPTACLE CONTAINING BEER, ALCOHOL, OR ALCOHOLIC BEVERAGES IN AUTOMOBILE, TRUCK, OR BUS.] No person shall drink or consume beer, alcohol, or alcoholic beverages, as defined in section 5-0101 of the North Dakota Revised Code of 1943, in an automobile, truck, or bus, nor shall any person have in his possession on his person while in an automobile, truck, or bus, or keep in an automobile, truck, or bus, any bottle or receptacle, containing beer, alcohol, or alcoholic beverages, as herein defined, which has been opened or the contents of which have been partially consumed.

§ 2. PENALTY.] Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved March 15, 1947.

CHAPTER 11**H. B. No. 185**

(Holand, Gackle of LaMoure and Halcrow)

RETAIL LIQUOR SALE, LICENSE AND FEE**AN ACT**

To amend and reenact Section 5-0303 of the North Dakota Revised Code of 1943 relating to the license for the retail sale of intoxicating liquor.

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

§ 1. AMENDMENT.] Section 5-0303 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

5-0303. LICENSE FOR RETAIL SALE: FEE.] Any person engaging in the retail sale of liquor first must procure a license from the governing body of the city or village wherein the said business is to be conducted. The fee for such license shall not be less than two hundred dollars nor more than two thousand dollars to be determined by the governing body of such city or village. Any person desiring to engage in the retail sale of liquor at a place other than within the incorporated limits of a city or village first must procure a license from the board of county commissioners of the county in which such business is to be conducted. The fee for such license shall not be less than two hundred dollars nor more than one thousand dollars, to be determined by the said board of county commissioners. The license fees shall be the same to each individual within each of the said political subdivisions respectively, and a license shall not be transferable, except to the executors or administrators of a deceased license holder. Such retail license shall not permit the sale at any time to any person of an amount greater than five wine gallons.

Approved March 11, 1947.

CHAPTER 12

H. B. No. 124

(Wollitz, Williams, Baeverstad, Wolf, Schuler, Rudolf,
Welk, Stanley, Severson, Homelvig, Stair, and Luick)**PROHIBITING LIQUOR SALES ON ELECTION DAY, MEMORIAL DAY
AND GOOD FRIDAY****AN ACT**

To amend and reenact section 5-0113 of the North Dakota Revised Code of 1943, prohibiting the selling of liquor on election and Memorial Day and Good Friday and providing for punishment and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 5-0113 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

5-0113. SELLING LIQUORS ON ELECTION DAY AND MEMORIAL DAY PROHIBITED; PUNISHMENT.] Every person who sells, gives away, or disposes of any alcoholic beverage on Memorial Day, and Good Friday or on the day of any general, special, or local election, in the village, city, or county where held, is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than twenty days and by a fine of not less than fifty dollars nor more than one hundred dollars.

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

Approved March 3, 1947.

CHAPTER 13**H. B. No. 236****(Fuglestad, Halcrow, Fitch)****PROHIBITING SUBSIDIES TO RETAIL DEALERS BY MANUFACTURERS
OR WHOLESALERS OF ALCOHOLIC BEVERAGES****AN ACT**

Amending and reenacting section 2, Chapter 53 of the Session Laws of North Dakota for the year 1945 relating to prohibiting manufacturers and wholesalers of alcoholic beverages from giving financial aid or furnishing fixtures or equipment to retailers.

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

§ 1. AMENDMENT.] That section 2 of Chapter 53 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 2. SUBSIDIZING PROHIBITED.] No manufacturer or wholesaler, either directly or indirectly, shall own or control, or have any financial interest in, any retail business selling beer or alcohol and alcoholic beverages; but this restriction shall not be construed to deny such person the right to use or have his property rented for such purpose in any case where the manufacturer or wholesaler was a bona fide owner of the premises prior to the effective date hereof. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof, give, lend or advance any money, credit or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease or sell any furniture, fixtures, fittings or equipment to any retailer or to any person for the benefit or relief of any retailer; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail license, or advance, furnish, lend or give money for the payment of retail license fees or any expense incident to the obtaining of such license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may:

1. Extend to retailers the usual and customary commercial credits for products of the industry actually sold and delivered;

2. Furnish to retailers the containers of beer actually sold and delivered and may recover the same, or the value thereof, if such containers are not returned;
3. Furnish, lend or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent or rented by any manufacturer or wholesaler to any retailer shall not exceed one hundred dollars exclusive of erection, installation and repair charges; but nothing herein shall be construed as affecting signs owned and located in the state on the effective date hereof by any such manufacturer or wholesaler;
4. Furnish inside signs, miscellaneous advertising matter and other items not to exceed, in the aggregate, a cost of twenty-five dollars in any calendar year to any one retailer;
5. Furnish or maintain for retailers such equipment as is designed and intended to preserve and maintain the sanitary dispensing of beer, provided the expense incurred thereby does not exceed the sum of twenty-five dollars per tap per calendar year, no part of which shall be paid in cash to any retailer;
6. Lease or lend to the owner of premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings and equipment actually located on said premises on July 1, 1945.

Approved March 13, 1947.

APPROPRIATIONS

CHAPTER 14

H. B. No. 89—(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; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$325,000.00, 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, to-wit:

Bounties	\$200,000.00
Deficit Appropriation	125,000.00
	<hr/>
Total	\$325,000.00

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

Approved March 14, 1947.

CHAPTER 15

H. B. No. 71—(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of not to exceed \$200.00 each year to each organized county of the State in which a Boys' and Girls' Achievement Day, or Achievement Fair, is conducted, which sum shall be used exclusively for the payment of premiums for Boys' and Girls' Club Work.

§ 2. HOW PAID.] The moneys so appropriated shall be paid to the County Agent of each county conducting a Boys' and Girls' Achievement Day, or Achievement Fair, upon a voucher duly executed by the County Agent and filed with the State Auditor, stating that the money is to be used for the purpose herein authorized. Within thirty days following the Boys' and Girls' Achievement Day, or Achievement Fair, the County Agent shall file with the Governor of the State a full and complete itemized statement showing the disposition of the premium payments, and any balance not expended shall be remitted to the State Treasurer and placed to the credit of the General Fund.

Approved February 11, 1947.

CHAPTER 16

S. B. 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, and declaring an emergency.

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

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR ALL OF THE SUBDIVISIONS THEREOF, AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, to the credit of each department, subdivision and public 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.

§ 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 1st, 1947, and ending June 30th, 1949.

§ 3. APPROPRIATIONS.]

Subdivision 1.

EXECUTIVE OFFICE

Salary—Governor	\$ 12,000.00
Clerkhire:	
Secretary & Other Employees	16,360.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,000.00
Miscellaneous	2,000.00
Travel Expense	2,600.00
Governor's Contingent	3,800.00
Council of State Governments	1,200.00
Great Lakes-St. Lawrence Deep Waterway Project	500.00
Total	\$ 41,460.00

Subdivision 2.

LIEUTENANT GOVERNOR

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

Subdivision 3.

SUPREME COURT

Salary—5 Judges of Supreme Court	\$ 55,000.00
Clerk of Supreme Court	6,000.00
Clerkhire—Secretary, Stenographers to Justices	18,000.00
Postage, Supplies, Printing, Furniture & Fixtures	2,500.00
Miscellaneous	600.00
Travel Expense	500.00
Total	\$ 82,600.00

Subdivision 4.

SUPREME COURT REPORTER & LAW LIBRARIAN

Salary	\$ 5,000.00
Postage, Supplies, Printing, Furniture & Fixtures	500.00
Miscellaneous	200.00
Purchase of Books, Law Reviews & Other Legal Publications	4,500.00
Publishing North Dakota Reports	3,000.00
Total	\$ 13,200.00

Subdivision 5.

JUDGES OF DISTRICT COURTS

Salary, 15 Judges	\$120,000.00
Expense	12,000.00
Retirement, Judge Lembke	8,000.00
Retirement, Judge Holt	8,000.00
Total	\$148,000.00

Subdivision 6.

SECRETARY OF STATE

Salary—Secretary of State	\$ 6,600.00
Salary—Deputy	6,600.00
Clerkhire	18,000.00
Postage, Supplies, Printing, Furniture & Fixtures	5,800.00

Miscellaneous	1,200.00
Travel Expense	500.00
Register of Deeds Recording Fees	200.00

Total\$ 38,900.00

Subdivision 7.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	\$ 400.00
Publishing Abstract of Votes	700.00
1947 Session Laws	6,000.00
Publicity Pamphlet—2 Elections	6,000.00
Postage Publicity Pamphlet—2 Elections	4,000.00
Printing & Binding Public Documents	1,800.00
Compiling & Printing Election Laws	3,000.00
Publishing 10,000 Copies of Constitution	500.00

Total\$ 22,400.00

Subdivision 8.

STATE AUDITOR

Salary—State Auditor	\$ 6,600.00
Salary—Deputy	6,600.00
Clerkhire	34,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	5,000.00
Miscellaneous	1,000.00
Travel Expense	1,000.00
Supplies—Department & Counties	800.00
Protectograph, Check Signer—Available upon passage and approval of this appropriation...	2,000.00

Total\$ 57,000.00

Subdivision 9.

STATE TREASURER

Salary—State Treasurer	\$ 6,600.00
Salary—Deputy	6,600.00
Clerkhire	36,500.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,500.00
Miscellaneous	2,200.00
Travel Expense	500.00

Total\$ 55,900.00

Subdivision 10.

STATE TREASURER—LIQUOR CONTROL

Clerk Hire	\$ 12,000.00
------------------	--------------

Postage, Supplies, Printing, Furniture & Fix- tures	900.00
Miscellaneous	850.00
Liquor Stamps	16,000.00
Travel Expense	2,500.00
Total	\$ 32,250.00

Subdivision 11.

COMMISSIONER OF INSURANCE

Salary—Commissioner of Insurance	\$ 6,600.00
Salary—Deputy	6,600.00
Salary—Actuary	9,600.00
Clerkhire	15,670.00
Postage, Supplies, Printing, Furniture & Fix- tures	9,000.00
Miscellaneous	1,000.00
Travel Expense	2,000.00
Investigation of Unauthorized Companies	1,500.00
Domestic Insurance Examiners & for Checking Taxes & Annual Statements	12,000.00
Convention Examiners	27,000.00
Emergency	40,000.00
Total	\$130,970.00

Subdivision 12.

STATE FIRE MARSHAL

Salary—State Fire Marshal	\$ 4,800.00
Clerkhire	9,800.00
Postage, Supplies, Printing, Furniture & Fix- tures	1,000.00
Miscellaneous	500.00
Travel Expense	5,000.00
Fees to Fire Chiefs	600.00
Arson Hearing Fund	300.00
Total	\$ 22,000.00

Subdivision 13.

ATTORNEY GENERAL

Salary—Attorney General	\$ 8,400.00
Salary—Assistant Attorneys General	33,000.00
Clerkhire	14,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,000.00
Miscellaneous	1,200.00
Travel Expense	2,000.00

Library	1,200.00
Miscellaneous Court Cases	5,000.00
Total	\$ 66,800.00

Subdivision 14a.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary—Superintendent	\$ 6,600.00
Salary—Deputy	6,600.00
Clerkhire	7,500.00
Postage, Supplies, Printing, Furniture & Fix- tures	20,000.00
Travel Expense	2,000.00
Course of Study—Deficit Printing	2,057.55
Course of Study	23,000.00
Miscellaneous	3,000.00
Total	\$ 70,757.55

Subdivision 14b.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID & EXAMINATIONS

Salary—Director	\$ 5,700.00
Clerkhire	14,600.00
Travel Expense	1,500.00
Teachers' Meetings	1,500.00
High School Examinations	15,000.00
Total	\$ 38,300.00

Subdivision 14c.

DEPARTMENT OF PUBLIC INSTRUCTION
CERTIFICATE FUND

Salary—Director	\$ 5,700.00
Clerkhire	7,800.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,000.00
Travel Expense	500.00
Correcting Papers	1,500.00
Total	\$ 17,500.00

Subdivision 14d.

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 14e.

**DEPARTMENT OF PUBLIC INSTRUCTION
SURPLUS PROPERTY**

Salary—Director	\$ 6,000.00
Clerkhire	3,600.00
Postage, Supplies, Printing, Furniture, Fix- tures & Freight	2,600.00
Travel Expense	2,000.00
Total	\$ 14,200.00

Subdivision 15a.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary—Commissioner	\$ 6,600.00
Salary—Deputy	6,600.00
Clerkhire	15,520.00
Postage, Supplies, Printing, Furniture & Fix- tures	9,150.00
Miscellaneous	1,200.00
Travel Expense—Commissioner	1,800.00
Travel Expense—Deputy	1,400.00
Brands & Brand Books	6,500.00
Rust Prevention and Control	10,000.00
Total	\$ 58,770.00

Subdivision 15b.

**DEPARTMENT OF AGRICULTURE & LABOR
COOPERATIVE RESEARCH & EDUCATION**

Cooperative Research & Education	\$ 2,000.00
Total	\$ 2,000.00

Subdivision 15c

**DEPARTMENT OF AGRICULTURE & LABOR
DAIRY DEPARTMENT**

Salary—Dairy Commissioner	\$ 6,600.00
Clerkhire	39,000.00
Postage, Supplies, Printing Furniture & Fixtures	3,750.00
Miscellaneous	600.00
Travel Expense	20,000.00

Auto Exchange	700.00
Hearings	400.00
Total	<u>\$ 71,050.00</u>

Subdivision 15d.

**DEPARTMENT OF AGRICULTURE & LABOR
BEE DISEASES & LICENSING**

Bee Diseases—Inspection	\$ 3,000.00
Bee Diseases—Licensing	2,500.00
Total	<u>\$ 5,500.00</u>

Subdivision 15e.

**DEPARTMENT OF AGRICULTURE & LABOR
MINIMUM WAGE & CHILD LABOR DEPARTMENT**

Clerkhire	\$ 12,100.00
Postage, Supplies, Printing, Furniture & Fixtures	800.00
Miscellaneous	200.00
Travel Expense	2,500.00
Hearings	600.00
Total	<u>\$ 16,200.00</u>

Subdivision 15f.

**DEPARTMENT OF AGRICULTURE & LABOR
ATHLETIC COMMISSION**

Salary	\$ 1,200.00
Expense	900.00
Total	<u>\$ 2,100.00</u>

Subdivision 15g.

**DEPARTMENT OF AGRICULTURE & LABOR
PREDATORY ANIMALS CONTROL**

Predatory Animals General	\$ 25,000.00
Total	<u>\$ 25,000.00</u>

Subdivision 16a.

PUBLIC SERVICE COMMISSION

Salary—Commissioners—3	\$ 18,000.00
Clerkhire	65,000.00
Postage, Supplies, Printing, Furniture & Fixtures	4,250.00
Miscellaneous	1,500.00

Travel Expense	6,000.00
Workmen's Compensation	225.00
Expense Handling Cases for Interstate Commerce Commission	12,000.00
National Association of Railroad & Utilities Commissioners	1,400.00
Research Data for Library	500.00
Total	\$108,875.00

Subdivision 16b.

**PUBLIC SERVICE COMMISSION
ELEVATOR DIVISION**

Clerkhire	\$ 15,600.00
Postage, Supplies, Printing, Furniture & Fixtures	1,300.00
Miscellaneous	400.00
Travel Expense & Car Exchange	2,500.00
Workmen's Compensation	30.00
Total	\$ 19,830.00

Subdivision 16c.

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

Clerkhire	\$ 36,390.00
Postage, Supplies, Printing, Furniture & Fixtures	2,000.00
Miscellaneous	1,200.00
Travel Expense	15,000.00
License Plates, Seals, etc.	1,200.00
Field Testing Equipment	1,250.00
Refunds	125.00
Truck Maintenance	5,000.00
Workmen's Compensation	290.00
Total	\$ 62,455.00

Subdivision 16d.

**PUBLIC SERVICE COMMISSION
UTILITY VALUATION DIVISION**

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

Subdivision 16½.

AERONAUTICS COMMISSION

Salary—Director	\$ 9,000.00
Salaries and Commissioner's Per Diem	16,500.00

Travel Expense	4,500.00
Supplies, Postage & sign fixtures	2,500.00
Maintenance	800.00
Fixed Charges	1,500.00
Miscellaneous	1,000.00
Total	\$ 35,800.00

Subdivision 17.

LAND COMMISSIONER

Salary—Commissioner	\$ 7,200.00
Salary—Deputy	6,600.00
Clerkhire	60,000.00
Fieldmen—7 at \$175.00 per month	29,400.00
Postage, Supplies, Printing, Furniture & Fix- tures	9,000.00
Miscellaneous	800.00
Travel Expense	26,000.00
Leasing	3,000.00
Premium on Bonds	800.00
Surveying	1,000.00
Total	\$143,800.00

Subdivision 18.

TAX COMMISSIONER

Salary—Tax Commissioner	\$ 8,000.00
Salary—Deputy	6,600.00
Clerkhire—Includes Office Force, Deputies & Field Auditors	211,680.00
Postage, Supplies, Printing, Furniture & Fix- tures	47,000.00
Miscellaneous	8,000.00
Travel Expense—Field Auditors	40,000.00
Revenue Stamps	18,000.00
Tax Litigation	1,000.00
Travel Expenses—Department General	3,000.00
Total	\$343,280.00

Subdivision 19.

BOARD OF ADMINISTRATION

Salary—Chairman & Members	\$ 19,800.00
Other Employees	191,156.00
Capitol Maintenance	95,500.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,400.00
Miscellaneous	9,600.00

Travel Expense	2,500.00
Improvements & Repairs	5,600.00
Equipment	3,000.00
Emergency Fund for Institutions	20,000.00
Recaulking & Repair of State Capitol Building..	50,000.00
Roll Call System, Senate Chamber	25,000.00
Furniture, Fixtures and Acoustical Treatment in Committee Rooms	15,000.00
Total	\$439,556.00

Subdivision 20.

STATE SEED DEPARTMENT

Seed Analyst	\$ 6,500.00
Assistant Seed Analysts	8,500.00
Travel Expense	1,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,500.00
Miscellaneous	500.00
Total	\$ 20,000.00

Subdivision 21.

STATE INDUSTRIAL COMMISSION

Salary—Secretary	\$ 840.00
Postage, Supplies & Printing	250.00
Miscellaneous	100.00
Total	\$ 1,190.00

Subdivision 22.

STATE LIBRARY COMMISSION

Salary	\$ 6,600.00
Clerkhire	28,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	4,000.00
Miscellaneous	800.00
Travel Expense	1,000.00
Aid to Libraries	500.00
Books, Binding & Repair	10,000.00
Total	\$ 50,900.00

Subdivision 23.

STATE PRINTER

Salary—State Printer	\$ 6,600.00
Clerkhire	3,360.00

Postage, Supplies, Printing, Furniture & Fix- tures	575.00
Miscellaneous	125.00
Travel Expense	250.00
Total	<u>\$ 10,910.00</u>

Subdivision 24.

ADJUTANT GENERAL

Salary—Adjutant General	\$ 6,600.00
Salary—Assistant Adjutant General	6,000.00
Clerkhire	13,680.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,000.00
Miscellaneous	500.00
Travel Expense	300.00
Total	<u>\$ 29,080.00</u>

Subdivision 25.

NATIONAL GUARD

Maintenance of the National Guard	\$150,000.00
Total	<u>\$150,000.00</u>

Subdivision 26a.

LEGISLATIVE RESEARCH COMMITTEE

Chapter 289, S. L. of 1945	\$ 25,000.00
Total	<u>\$ 25,000.00</u>

Subdivision 26b.

31st LEGISLATIVE ASSEMBLY

Mileage & Per Diem, Members	\$ 60,000.00
Per Diem, Employees	47,000.00
Printing	45,000.00
Miscellaneous	7,500.00
Expense Members	50,000.00
Total	<u>\$209,500.00</u>

Subdivision 27.

PARDON BOARD

Salary—Secretary	\$ 600.00
Salary—Members & Expenses	1,100.00
Investigations	1,000.00
Total	<u>\$ 2,700.00</u>

Subdivision 28.

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 29.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for the apprehension of Criminals	\$ 1,000.00
Total	\$ 1,000.00

Subdivision 30a.

STATE EXAMINER

Salary—State Examiner	\$ 10,000.00
Clerkhire	115,580.00
Postage, Supplies, Printing, Furniture & Fixtures	4,000.00
Miscellaneous	1,500.00
Travel Expense	28,000.00
Bonds for Examiners	750.00
State Banking Board—Section 6-0103 of North Dakota Revised Code of 1943	1,000.00
State Credit Union Board—Chapter 143, Session Laws of 1945	500.00
Total	\$161,330.00

Subdivision 30b.

SECURITIES COMMISSION

Clerkhire	\$ 1,800.00
Postage, Supplies, Printing, Furniture & Fixtures	1,000.00
Miscellaneous	350.00
Travel Expense	500.00
Investigations	2,000.00
Total	\$ 5,650.00

Subdivision 31.

STATE BOARD OF HIGHER EDUCATION

Salary—Commissioner	\$ 12,000.00
Salary—Auditor	6,600.00

Salary—Secretary	4,000.00
Clerkhire	3,600.00
Postage, Supplies, Printing, Furniture & Fix- tures	1,600.00
Miscellaneous	1,000.00
Travel—Commissioner & Secretary	1,300.00
Travel—Auditor	500.00
Members—Per Diem	5,000.00
Members—Travel	5,000.00
Emergency	20,000.00
Total	\$ 60,600.00

Subdivision 32.

VOCATIONAL EDUCATION

Vocational Education	\$ 2,000.00
Total	\$ 2,000.00

Subdivision 33.

VOCATIONAL REHABILITATION

Vocational Rehabilitation of Disabled Persons— This appropriation will be matched with Fed- eral funds on a 50-50 basis and does not in- clude Administration costs	\$ 77,000.00
Total	\$ 77,000.00
GRAND TOTAL	\$3,065,813.55

§ 4. Appropriations herein provided insofar as they are used for postage may be expanded only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Section 48-0602, of the North Dakota Revised Code of 1943.

§ 5. 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.

§ 6. EMERGENCY.] This Act is necessary to the immediate preservation of the public peace, health and safety. The reason for this is that it contains the general appropriation and provides the means of continuing and maintaining the

State Government and to enable it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people, and without the means provided for by this Act the functions of the State Government will be suspended. This Act will therefore in its entirety go into instant operation upon its approval by the Governor.

Approved March 14, 1947.

CHAPTER 17

H. B. No. 70—(Committee on Appropriations)

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

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies 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 1st, 1947, and ending June 30th, 1949; provided that any charges against the above appropriation must have the approval of the State Auditor and the State Auditing Board.

Approved March 7, 1947.

CHAPTER 18**S. B. No. 143—(Lynch)**

DIVIDE COUNTY REIMBURSEMENT**AN ACT**

Making an appropriation to reimburse Divide county in the sum of thirteen thousand one hundred thirty-five dollars and ninety-seven cents, which sum was erroneously and inadvertently remitted to the state of North Dakota, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of thirteen thousand one hundred thirty-five dollars and ninety-seven cents, or so much thereof as may be necessary, out of any monies now in the state treasury, not otherwise appropriated, to reimburse Divide county, North Dakota, for monies inadvertently remitted to the state by the officers of Divide county, which monies were and are, in fact, monies belonging to said Divide county and cities, villages, school districts and townships therein; and that said sum shall be paid to said Divide county upon presentation of duly verified vouchers presented to the state auditor.

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

Approved March 7, 1947.

CHAPTER 19**H. B. No. 60—(Committee on Appropriations)**

INSURANCE TAX—FIRE DEPARTMENTS**AN ACT**

Making an appropriation for the purpose of paying insurance tax to the various fire departments of the state.

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

§ 1. APROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of \$90,000.00, or so much thereof as may be necessary to comply with the provisions of Chapter 18-04

of the North Dakota Revised Code of 1943, relating to the payment of premiums received upon policies issued upon property, to various fire departments, for the biennium beginning July 1st, 1947, and ending June 30th, 1949.

Approved February 11, 1947.

CHAPTER 20

H. B. No. 114—(Fitch)

DEFICIT FIRE DEPARTMENTS INSURANCE TAX

AN ACT

Making an appropriation to make up the deficit in the fund known as "The Insurance Tax to Fire Departments" for the purpose of paying insurance tax to the various Fire Departments of the state in compliance with the provisions of Chapter 18-04 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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$20,000.00, or so much thereof as may be necessary to make up the deficit in the fund known as the "Insurance Tax to Fire Departments" for the biennium beginning July 1, 1945 and ending June 30, 1947 to comply with the provisions of Chapter 18-04 of the North Dakota Revised Code of 1943, relating to the payment of premiums received on policies issued upon property, to various Fire Departments.

§ 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 13, 1947.

CHAPTER 21

H. B. No. 75—(Committee on Appropriations)

NORTH DAKOTA FIREMEN'S ASSOCIATION**AN ACT**

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$3,000.00, or so much thereof as is 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 1st, 1947, and ending June 30th, 1949.

Approved March 1, 1947.

CHAPTER 22

H. B. No. 69—(Committee on Appropriations)

ARREST AND RETURN FUGITIVES FROM JUSTICE**AN ACT**

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$5,000.00, 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 1st, 1947, and ending June 30th, 1949.

Approved February 11, 1947.

CHAPTER 23

H. B. No. 341—(Committee on Delayed Bills)

EXPENSES THIRTIETH LEGISLATIVE ASSEMBLY

AN ACT

Making an additional appropriation for expenses of the Thirtieth Legislative Assembly, and declaring an Emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$30,000.00, in addition to amounts already appropriated, for expenses of the thirtieth legislative assembly as follows, to-wit:

Per diem, officers and employees	\$ 27,000.00
Miscellaneous	1,500.00
Legislative janitor service, Board of Administration	1,500.00
Total	\$ 30,000.00

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

Approved March 3, 1947.

CHAPTER 24

H. B. No. 119—(Haugen, Bubel, Smart, Fitch)

MEMBERS ALLOWANCE THIRTIETH LEGISLATIVE ASSEMBLY

AN ACT

Providing for an appropriation for the allowance of members of the legislative assembly and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of fifty thousand dollars, or so much

thereof as may be necessary for the purpose provided in section 1 of chapter 72 of the Session Laws of North Dakota for the year 1945 and payments shall be made as prescribed therein.

§ 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 17, 1947.

CHAPTER 25

S. B. No. 179—(Stucke)

MC LEAN COUNTY REIMBURSEMENT

AN ACT

Making an appropriation to reimburse McLean County in the sum of five hundred seven dollars, leasing fees belonging to McLean County, but erroneously and inadvertently remitted to the State of North Dakota; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of five hundred seven dollars, or so much thereof as may be necessary, out of any moneys now in the state treasury not otherwise appropriated, to reimburse McLean County, North Dakota, for leasing fees inadvertently remitted to the state by the officers of McLean County, North Dakota, by a mistake of law, during the months of March and April, 1944, which moneys were and are, in fact, moneys belonging to McLean County, and that the same shall be paid to said McLean County upon presentation of duly verified vouchers presented to the state auditor.

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

Approved March 7, 1947.

CHAPTER 26

S. B. No. 148—(Troxel)

PENSION FOR MINOR CHILDREN OF JOHN E. CRITES

AN ACT

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

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

§ 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred and twenty-eight dollars or so much thereof as may be found necessary for paying a pension to Patricia Ann Crites and Dennis Duane Crites, minor children of John E. Crites, in accordance with sections 37-1101 to 37-1104, inclusive, of 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 twenty-two dollars per month from July 1, 1947 to June 30, 1949, or until such minors have attained to majority.

Approved March 7, 1947.

CHAPTER 27

S. B. No. 64—(Committee on Appropriations)

PRESIDENTIAL ELECTORS

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$600.00 for the biennium, or so much thereof as may be necessary to pay the expenses and per

diem of Presidential Electors as provided for in Section 16-1605 of the North Dakota Revised Code of 1943.

Approved February 10, 1947.

CHAPTER 28

H. B. No. 64—(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,000.00, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, or so much thereof as may be necessary for the purpose of making certain refunds out of the General Fund and which is known as the Miscellaneous Refund Account, used for the purpose of refunding money erroneously paid into or credited to the General Fund.

Approved February 11, 1947.

CHAPTER 29

S. B. No. 212—(Committee on Appropriations)

MISC. REFUNDS MONIES ERRONEOUSLY PAID GENERAL FUND

AN ACT

Making an appropriation for the purpose of refunding money erroneously paid into or credited to the general fund, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, due to a deficiency in amount previously ap-

propriated, the sum of \$3,815.13 for the biennium beginning July 1, 1945, and ending June 30, 1947, 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.

§ 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 20, 1947.

CHAPTER 30

H. B. No. 49—(Representative Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, and North Dakota School Officers Association and the Superintendent of Public Instruction.)

AN ACT

Providing for an emergency appropriation for the purpose of assisting School districts in financial distress, under the state aid program of the state equalization fund; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the state treasury of the state equalization fund, not otherwise appropriated, an additional sum of eight hundred thousand dollars for the "emergency fund" and an additional sum of five hundred thousand dollars for "distribution on per pupil basis", of the state equalization fund, for the biennium beginning July 1, 1945, and ending June 30, 1947.

§ 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, 1947.

CHAPTER 31

S. B. No. 69—(Committee on Appropriations)

HIGH SCHOOL CORRESPONDENCE STUDY
AN ACT

Making an appropriation for the salaries and miscellaneous expenses of the High School Correspondence Study.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Equalization Fund in the State Treasury, the sum of \$150,000.00, 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 1st, 1947, and ending June 30th, 1949.

Approved March 15, 1947.

CHAPTER 32

H. B. No. 46—(Representative Langley and Legislative Research Committee, at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, and North Dakota School Officers Association and the Superintendent of Public Instruction.)

STATE SCHOOL LUNCH DIVISION—MAINTENANCE
AN ACT

Appropriating twenty-eight hundred dollars for the maintenance of the state school lunch division from March 1, 1947 to July 1, 1947, under the Act of Congress known as the National School Lunch Act, Public Law 396 of the 79th Congress, approved June 4, 1946; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the equalization fund in the state treasury, not otherwise appropriated, the sum of twenty-eight hundred dollars, or so much thereof as may be necessary for the continued operation of the state school lunch division of the state department of public instruction, state agency for

the National school lunch act, under the provisions of the National School Lunch Act, Public Law 396 of the 79th Congress, from March 1, 1947 to July 1, 1947.

§ 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, 1947.

CHAPTER 33

H. B. No. 47

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association and the Superintendent of Public Instruction.)

STATE SCHOOL LUNCH DIVISION—SALARIES AND EXPENSES AN ACT

Making an appropriation for the salaries and expenses of the state school lunch division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand six hundred forty dollars, or so much thereof as may be necessary for the salaries and expenses of the state school lunch division, for the biennium beginning July 1, 1947, and ending June 30, 1949, to-wit:

Salary—Director	\$ 6,000.00
Clerkhire	9,240.00
Postage, Supplies, Printing, Telephone and Telegraph	4,200.00
Travel	1,200.00
	<hr/>
Total	\$ 20,640.00

Approved March 1, 1947.

CHAPTER 34

H. B. No. 80—(Committee on Appropriations)

ASSISTANT ATTORNEY GENERAL; LAND DEPARTMENT**AN ACT**

Re-enacting the standing appropriation for the salary of the Assistant Attorney General acting as the attorney for the Board of University and School Lands.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$4,400.00 for the salary of the Assistant Attorney General for the Board of University and School Lands, which shall be paid monthly as salaries of state officials are paid, upon the approval of vouchers therefor by the Attorney General, for the biennium beginning July 1st, 1947, and ending June 3, 1949.

Approved February 11, 1947.

CHAPTER 35

S. B. No. 76—(Committee on Appropriations)

ATTORNEY GENERAL—LICENSING DEPARTMENT**AN ACT**

Making an appropriation for the enforcement and administration of the Attorney General Licensing Department.

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

§ 1. APPROPRIATION] There is hereby appropriated out of the Attorney General License Fund in the State Treasury, the sum of \$78,520.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Clerkhire & Inspectors	\$ 58,480.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,500.00
Miscellaneous	1,540.00
Travel Expense	15,000.00
Total	\$ 78,520.00

Approved March 15, 1947.

CHAPTER 36

S. B. No. 68—(Committee on Appropriations)

STATE BONDING FUND

AN ACT

Making an appropriation for the purpose of operating and maintaining the State Bonding Fund.

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

§ 1. APPROPRIATION] There is hereby appropriated out of the moneys in the State Bonding Fund, the sum of \$21,785.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries	\$ 12,960.00
Special Assistant Attorney General	1,425.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,350.00
Miscellaneous	750.00
Investigations & Travel	2,000.00
Premium Refunds	800.00
Emergency	500.00
Total	\$ 21,785.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of the North Dakota Revised Code of 1943.

Approved February 27, 1947.

CHAPTER 37

H. B. No. 62—(Committee on Appropriations)

PREMIUMS BONDS OF STATE OFFICIALS

AN ACT

Making an appropriation for the purpose of paying premiums on bonds of State Officials.

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

§ 1. APPROPRIATION] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$1,700.00, for the biennium, or so much thereof as may be necessary to pay the premiums on bonds of State Officials, bonded under the provisions of Section 44-0106, of the North Dakota Revised Code of 1943.

Approved February 20, 1947.

CHAPTER 38

H. B. No. 59—(Committee on Appropriations)

COAL MINE INSPECTOR

AN ACT

Making an appropriation for the purpose of paying salary, clerkhire and general expenses of the Department of Coal Mine Inspector and coal mine safety work.

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

§ 1. APPROPRIATION] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$20,850.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary	6,600.00
Clerkhire	3,600.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,200.00

Miscellaneous	300.00
Travel 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
Total	\$ 20,850.00

Approved March 7, 1947.

CHAPTER 39

H. B. No. 61—(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$30,000.00, or so much thereof, as may be necessary for the biennium beginning July 1st, 1947, and ending June 30th, 1949, 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.

Approved March 1, 1947.

CHAPTER 40

S. B. No. 75—(Committee on Appropriations)

STATE EQUALIZATION FUND

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the State Equalization Fund, not otherwise appropriated, the sum of \$15,800.00 for administrative expenses and the sum of \$7,200,000.00 for state aid of the State Equalization Fund, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

STATE EQUALIZATION FUND—ADMINISTRATION

Salary—Director	\$ 6,000.00
Clerkhire	7,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	1,800.00
Travel	1,000.00
Total	\$ 15,800.00

STATE EQUALIZATION—STATE AID

Vocational Agriculture	\$ 36,000.00
Vocational Home Economics	48,000.00
Occupational Information & Guidance	8,000.00
Business Education	8,000.00
Emergency Fund	500,000.00
Distribution on Per-Pupil	1,600,000.00
High School Tuition	2,400,000.00
Teacher Unit Basis	2,600,000.00
Total	\$ 7,200,000.00

Approved March 15, 1947.

CHAPTER 41

H. B. No. 44

(Langley and Legislative Research Committee
at request of State Treasurer)

ESCHEATED ESTATE FUND

AN ACT

To appropriate the sum of two thousand dollars or so much thereof as may be necessary from the general fund of the state to reimburse the escheated estate fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated from the general fund the sum of two thousand dollars, or as much thereof as may be necessary, to reimburse the escheated estate fund for overdrafts upon such fund made by miscellaneous refunds made pursuant to law after transfers had erroneously been made from the escheated estate fund to the general fund.

Approved February 20, 1947.

CHAPTER 42

S. B. No. 67—(Committee on Appropriations)

STATE FIRE AND TORNADO FUND

AN ACT

Making an appropriation for the purpose of operating and maintaining the State Fire and Tornado Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the moneys in the State Fire and Tornado Fund, the sum of \$57,260.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Manager	\$	3,600.00
Other Salaries		23,160.00
Assistant Attorney General		1,000.00
Postage, Supplies, Printing, Furniture & Fix- tures		5,000.00

Miscellaneous	3,000.00
Risk Inspection & Travel	5,000.00
Premium Refunds—Fire	3,000.00
Premium Refunds—Extended Coverage	1,500.00
Adjusting Expense	10,000.00
Rate Service	2,000.00
Total	\$ 57,260.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Adiminstration pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of the North Dakota Revised Code of 1943.

Approved February 27, 1947.

CHAPTER 43

H. B. No. 86—(Committee on Appropriations)

GAME AND FISH DEPARTMENT

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Game and Fish Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Game and Fish Fund, not otherwise appropriated, the sum of \$382,900.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Commissioner	\$ 7,200.00
Salary—Deputy Commissioner & Chief Warden	12,000.00
Salary—District Wardens	60,000.00
Clerkhire	13,200.00
Postage, Supplies, Printing, Furniture & Fixtures	12,000.00

Miscellaneous	4,000.00
Travel Expense	50,000.00
Special Bulletin Printing	12,000.00
Audit & Compensation	5,000.00
Junior Wardens	5,000.00
Match Federal Funds	30,000.00
Propagation	45,000.00
Maintenance Hatcheries & Fish Distribution ...	20,000.00
Maintenance Game Farms & Refuges	15,000.00
Rewards	2,500.00
Construction of Dams	25,000.00
Conservation Education & Publicity	10,000.00
Predatory Control & Crow Bounty	20,000.00
Emergency Fund as Authorized by Emergency..	35,000.00
Total	\$382,900.00

Approved March 11, 1947.

CHAPTER 44

H. B. No. 198—(Johnson)

GAME AND FISH DEPARTMENT SPECIAL BULLETIN

AN ACT

Making an appropriation for the purpose of paying a deficiency in the printing, travel, special bulletin printing and propagation funds for the State Game and Fish Department for the period beginning December 1, 1946, and ending June 30, 1947, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury in the Game and Fish Fund, not otherwise appropriated, the sum of \$8,200.00 for the purpose of paying a deficiency in the printing, travel, special bulletin printing and propagation funds for the biennium beginning July 1, 1945, and ending June 30, 1947, to-wit:

Printing	\$ 600.00
Travel	2,000.00
Special Bulletin Printing	600.00
Propagation	5,000.00
Total	\$ 8,200.00

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

Approved March 7, 1947.

CHAPTER 45

H. B. No. 91—(Committee on Appropriations)

STATE AUDITOR—GASOLINE TAX DIVISION

AN ACT

Appropriating an additional amount of \$18,000.00 for the purpose of defraying the expenses of the maintenance and operation of the Gasoline Tax Division in the State Auditor's Office; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$18,000.00, or so much thereof as may be necessary, in addition to the amounts appropriated under subdivision 7b, Chapter 60 of the Session Laws of 1945, for the purpose of defraying the expense of the maintenance and operation of the Gasoline Tax Division in the State Auditor's Office for the period ending June 30th, 1947, to-wit:

Clerkhire	\$ 15,000.00
Miscellaneous	500.00
Travel	2,500.00
	<hr/>
Total	\$ 18,000.00

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

Approved February 27, 1947.

CHAPTER 46

H. B. No. 74—(Committee on Appropriations)

STATE GEOLOGICAL SURVEY

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$18,900.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary	\$ 8,200.00
Clerkhire	2,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	1,500.00
Miscellaneous	300.00
Travel Expense	4,000.00
Apparatus	500.00
Two New Cars	2,400.00
 Total	 \$ 18,900.00

Approved February 20, 1947.

CHAPTER 47

S. B. No. 66—(Committee on Appropriations)

STATE HAIL INSURANCE DEPARTMENT

AN ACT

Making an appropriation for the operation and maintenance of the State Hail Insurance Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Hail Insurance Fund in the State Treasury, the sum of \$282,325.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Manager	\$ 7,200.00
Salary—Assistant Attorney General	2,125.00
Clerkhire	65,000.00
Salary—Inspectors & Adjustors	32,000.00
Travel—Inspectors & Adjustors	28,000.00
Travel—Office	7,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	12,000.00
Listing Fees	55,000.00
Annual Audit	6,000.00
Advertising	4,000.00
Legal Publication	400.00
Legal Service	600.00
Miscellaneous	3,000.00
Emergency	60,000.00
Total	<u>\$282,325.00</u>

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of the North Dakota Revised Code of 1943.

Approved February 27, 1947.

CHAPTER 48

H. B. No. 83—(Committee on Appropriations)

STATE HIGHWAY DEPARTMENT

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State Highway Department.

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

§ 1. APPROPRIATION FOR ADMINISTRATIVE EXPENSE.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and accruing from the "Motor Registration Fund" as created by Section 39-0467 of the North Dakota Revised Code of 1943, the sum of \$200,000.00, or so much thereof as may be necessary, for the purpose of defraying the expenses of administration including the payment to the State Highway Commissioner for extraordinary personal expenses pertaining to the discharge of his duties for the years 1947 and 1948 which shall be paid quarterly from the appropriations 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—State Highway Commissioner	\$ 10,000.00
Highway Commissioner extraordinary expense	1,000.00
General Operating Expense	189,000.00
Total	\$200,000.00

§ 2. ADDITIONAL APPROPRIATION FOR ADMINISTRATION EXPENSES.] In addition to the amount hereinbefore appropriated and in addition to the limitation set forth in Section 24-0207 of the North Dakota Revised Code of 1943, there is hereby appropriated out of said Motor Registration Fund, and the State Highway Department is hereby authorized on proper requisition to transfer, and to have transferred to the operating fund from the moneys allocated to the State Highway Department out of the Motor Vehicle Registration Fund, a sum not to exceed three per cent of the cost of construction,

reconstruction, maintenance and all other work undertaken in whole or in part from Federal, County and State Funds to cover additional cost of administration of said department.

§ 3. ADDITIONAL APPROPRIATION FOR MAINTENANCE AND CONSTRUCTION.] In addition to the above amounts allowed for office and administrative expenses of said department there is hereby appropriated out of any funds available to the State Highway Department, not otherwise appropriated, such part thereof as may be necessary to expend during said biennium period for the construction, reconstruction and maintenance of public roads, including necessary expenses of labor, equipment and other costs and expenses allowed by statute and required for such construction, reconstruction and maintenance.

Approved March 13, 1947.

CHAPTER 49

H. B. No. 84—(Committee on Appropriations)

STATE HIGHWAY DEPARTMENT MOTOR PATROL

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Motor Patrol Fund in the State Treasury, not otherwise appropriated, the sum of \$413,600.00, or so much as is necessary thereof, for the operation, maintenance, equipment, supplies, outfitting of patrolmen, travel and miscellaneous expenses for the Motor Patrol Branch of the State Highway Department, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Superintendent	\$ 6,600.00
Salary—Assistant Superintendent	6,000.00
Salary—Patrolmen	175,000.00
Clerks & Bookkeepers	19,800.00

Postage, Supplies, Printing, Furniture & Fix- tures	11,500.00
Miscellaneous	10,000.00
Travel Expense	55,000.00
New Equipment	9,000.00
Training School & First Aid	1,200.00
Educational Program	2,000.00
Car Operation, Maintenance & Replacement	115,000.00
Audit	1,500.00
Bonding of Agents	1,000.00
Total	\$413,600.00

Approved March 13, 1947.

CHAPTER 50

H. B. No. 88—(Committee on Appropriations)

STATE HISTORICAL SOCIETY

AN ACT

Making an appropriation to the State Historical Society for salary and general expenses and maintenance of State Parks.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$57,180.00, or so much thereof as may be necessary, for salary, clerkhire and miscellaneous expenses for the State Historical Society and for maintenance of State Parks in the sums hereinafter set forth, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

STATE HISTORICAL SOCIETY

Salary—Superintendent	\$ 6,600.00
Clerkhire	18,580.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,400.00
Miscellaneous	700.00
Travel Expense	700.00
Museum	1,100.00
Books	600.00
Binding	1,000.00
Total	\$ 32,680.00

STATE PARKS COMMITTEE

Technical & Clerical Services	\$ 1,000.00
Office Supplies	200.00
Miscellaneous	400.00
Travel Expense	700.00
Maintenance & Operation of North Dakota Parks & Park Camps	14,000.00
International Peace Garden	3,500.00
Development & Maintenance of Historic Sites	1,200.00
Whitestone Hill State Park	1,500.00
Purchase of Park Maintenance Equipment	2,000.00
Total	\$ 24,500.00
Grand Total	\$ 57,180.00

Approved February 20, 1947.

CHAPTER 51

S. B. No. 205—(Murry)

**STATE HISTORICAL SOCIETY
PEACE GARDEN EQUIPMENT**
AN ACT

Making an appropriation to the State Historical Society for a tractor and power mower attachment and a half ton pickup truck and for the expenses of operating the same, for use by caretaker of International Peace Gardens, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated to the State Historical Society out of any moneys in the State Treasury, not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary for the purpose of purchasing a tractor and a power mower attachment and a half ton pickup truck and for the expenses of operating the same, for use by the caretaker of the International Peace Gardens for maintenance and upkeep.

§ 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, 1947.

CHAPTER 52

S. B. No. 114—(Committee on Appropriations)

STATE INSURANCE COMMISSIONER DEFICIENCY**AN ACT**

Making an Appropriation to the Commissioner of Insurance of the State of North Dakota to meet a deficiency in the appropriation for the biennium expiring June 30th, 1947, for Postage, Supplies, Printing, Furniture and Fixtures; and Declaring an Emergency.

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

§ 1. **APPROPRIATION.]** There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars, or so much thereof as may be necessary, for the use of the Commissioner of Insurance of the State of North Dakota for the purpose of meeting a deficiency in the appropriation made for Postage, Supplies, Printing, Furniture and Fixtures for the biennium ending June 30th, 1947. .

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

Approved February 27, 1947.

CHAPTER 53

H. B. No. 72—(Committee on Appropriations)

STATE LABORATORIES DEPARTMENT**AN ACT**

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

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

§ 1. **APPROPRIATION.]** There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$316,600.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Director	\$ 7,200.00
Salary—Food Commissioner & Chemist	8,400.00
Clerkhire	210,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	30,000.00
Miscellaneous	4,000.00
Travel Expense	33,000.00
Samples	3,000.00
Rent	7,200.00
Telephone & Telegraph	1,500.00
Ice, Gas & Electricity	2,000.00
Freight, Dray & Express	6,000.00
Library	800.00
Workmen's Compensation	1,000.00
Cost of Auditing	1,500.00
Refunds	1,000.00
Total	\$316,600.00

Approved March 7, 1947.

CHAPTER 54

H. B. No. 55—(Committee on Appropriations)

LAW LIBRARY

AN ACT

Making an appropriation for the installation of additional shelving and a book elevator in the Law Library.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Capitol Building Fund in the State Treasury, not otherwise appropriated, the sum of \$18,000.00, or so much thereof as is necessary for the installation of additional shelving and a book elevator in the Law Library, for the biennium beginning July 1st, 1947, and ending June 30th, 1949.

Approved February 11, 1947.

CHAPTER 55

H. B. No. 57—(Committee on Appropriations)

LIVESTOCK SANITARY BOARD

AN ACT

Making an appropriation to the Livestock Sanitary Board, for its operating and maintenance expense and for indemnifying owners of animals, to the Bangs Disease Fund and to the Bovine Tuberculosis Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of \$140,300.00, 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 1st, 1947, and ending June 30th, 1949, in the sums hereinafter named only, to-wit:

LIVESTOCK SANITARY BOARD

Salary—Executive Officer & State Veterinarian	\$ 8,600.00
Clerkhire	4,000.00
Supplies, Postage, Printing, Furniture & Fixtures	1,600.00
Miscellaneous	900.00
Services & Expenses Board's Agents	21,800.00
Compensation & Expense Board Members	1,200.00
Workmen's Compensation	1,200.00
Anthrax Vaccine & Serum	1,000.00
Total	\$ 40,300.00

BANGS DISEASE FUND AND BOVINE TUBERCULOSIS FUND

Miscellaneous Expenses	\$100,000.00
Total	\$100,000.00
Grand Total	\$140,300.00

Approved February 11, 1947.

CHAPTER 56

H. B. No. 90—(Committee on Appropriations)

MOTOR VEHICLE FUEL TAX DIVISION—STATE AUDITOR

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Motor Vehicle Fuel Taxes collected under Section 57-4106 of the North Dakota Revised Code of 1943, not otherwise appropriated, the sum of \$169,200.00, 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 Motor Vehicle Fuel Tax Division in the office of the State Auditor, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Clerkhire	\$ 94,200.00
Postage, Supplies, Printing, Furniture & Fix- tures	15,000.00
Miscellaneous	2,000.00
Travel Expense	18,000.00
Emergency	40,000.00
Total	<u>\$169,200.00</u>

Approved February 20, 1947.

CHAPTER 57

S. B. No. 121—(Committee on Appropriations)

MOTOR VEHICLE FUEL TAX DIVISION—STATE TREASURER

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the motor vehicle fuel tax division in the office of the State Treasurer.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of ten thousand dollars, 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 motor vehicle fuel tax division in the office of the state treasurer, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Clerkhire	\$ 8,800.00
Supplies	1,200.00
	<hr/>
Total	\$ 10,000.00

Approved March 6, 1947.

CHAPTER 58

S. B. No. 46

(Brant for Legislative Research Committee at request of Highway Department)

MOTOR REGISTRATION FUND

AN ACT

Providing for an appropriation of \$2,941,718.62, for the purpose of reimbursing the motor registration fund for the moneys transferred to the North Dakota real estate bond payment fund pursuant to the provisions of Section 30, Chapter 160 of the Session Laws of North Dakota for the year 1933, and providing for the distribution of said appropriation to the state highway department and the counties of this state.

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

§ 1. APPROPRIATION.] There is hereby appropriated and transferred from any moneys in the state treasury, not

otherwise appropriated, the sum of \$2,941,718.62 to the motor registration fund, for the purpose of reimbursing the said motor registration fund for the moneys transferred from said fund to the North Dakota real estate bond payment fund pursuant to the provisions of Section 30, Chapter 160 of the Session Laws of North Dakota for the year 1933, and that the moneys so appropriated and transferred shall be apportioned and distributed to the state highway department and the counties of this state as provided by Section 39-0467 of the North Dakota Revised Code of 1943.

Approved March 6, 1947.

CHAPTER 59

H. B. No. 82—(Committee on Appropriations)

REGISTRAR OF MOTOR VEHICLES

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Department of the Registrar of Motor Vehicles.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Motor Registration Fund, not otherwise appropriated, the sum of \$221,700.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary	\$ 6,000.00
Clerkhire	112,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	40,000.00
Miscellaneous	4,500.00
Travel Expense	2,000.00
License Plates	50,000.00
Refunds	3,000.00

State Board of Auditor's Fund	3,000.00
Pickup Exchange	1,200.00
Total	<u>\$221,700.00</u>

Approved February 11, 1947.

CHAPTER 60

S. B. No. 172

(Frojen, Mehlhaff, Peterson, Streibel, Wog, Work and Brant)

ARMORIES NATIONAL GUARD

AN ACT

Making Appropriations of \$5,000.00 Each for the Building and Construction of Armories for the Following Military Organizations of the National Guard, to-wit: Platoon of Headquarters Company, 164th Infantry at Bowman; Anti-tank Company, 164th Infantry at Harvey; Platoon of Headquarters Company, 164th Infantry at Hettinger; Company "B"; 231st Engineers Combat Battalion at Langdon; Headquarters Company 1st Battalion, 164th Infantry at Linton; Cannon Company, 164th Infantry at Oakes; and Service Battery, 188th Field Artillery Battalion at Wishek, and Declaring an Emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated the sum of Five Thousand Dollars each for the building and construction of armories for the following military organizations of the National Guard at the places hereinafter designated, to-wit:

\$5,000 for Platoon of Headquarters Company, 164th Infantry at Bowman;

\$5,000 for Anti-tank Company, 164th Infantry at Harvey;

\$5,000 for Platoon of Headquarters Company, 164th Infantry, at Hettinger;

\$5,000 for Company "B", 231st Engineers Combat Battalion, at Langdon;

\$5,000 for Headquarters Company, 1st Battalion, 164th Infantry, at Linton;

\$5,000 for Cannon Company, 164th Infantry, at Oakes;

\$5,000 for Service Battery, 188th Field Artillery Battalion, at Wishek.

§ 2. The appropriations made in Section 1 of this Act shall be disbursed by, and under the direction of the State Board of Armory Supervisors of North Dakota, for such items as they shall deem proper for the purpose of building and construction of the aforementioned armories, and shall be disbursed upon vouchers submitted and approved by the said Board.

§ 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 20, 1947.

CHAPTER 61

S. B. No. 65—(Committee on Appropriations)

POULTRY IMPROVEMENT BOARD

AN ACT

Making an appropriation for the operation, maintenance and miscellaneous expenses of the Poultry Improvement Board.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, in the Poultry Improvement Board Fund, the sum of \$83,990.00, or so much as is necessary, for the purpose of defraying any and all expenses for the operation, maintenance and miscellaneous expenses incidental to carrying out the provisions and purposes, as provided by Sections 4-1301 to 4-1314, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Executive Secretary	\$ 7,200.00
Clerkhire	14,880.00
Postage, Supplies, Furniture & Fixtures	3,850.00
Miscellaneous	1,500.00
Travel Expense	4,000.00
Compensation & Expense—Board Members	1,560.00
Tags, Bands & Antigen	5,500.00
Bureau of Agricultural economics	1,000.00
Poultry Shows	500.00

Fieldmen	25,000.00
Emergency	19,000.00
Total	\$ 83,990.00

Approved February 27, 1947.

CHAPTER 62

H. B. No. 58—(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$295,640.00, 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 as prescribed by Chapter 27 of the Authenticated Edition of the Special Session Laws of 1944, and Division of Child Hygiene, and in collaboration with Federal Funds, as provided in Chapters 23-01, 23-02, 23-03, 23-04, 23-06, 23-07 and 23-14 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

PUBLIC HEALTH

Salary—State Health Officer	\$ 10,000.00
Clerkhire	117,560.00
Postage, Supplies, Printing, Furniture & Fixtures	24,000.00
Miscellaneous	2,000.00
Travel Expense	9,800.00
Card Indexing—Birth, Death & Marriage Records	4,000.00
Arsenicals	5,000.00

Car Fund	900.00
Tuberculosis Control	4,000.00
Total	\$177,260.00

PUBLIC HEALTH LABORATORIES

Salary—Director	\$ 12,000.00
Clerkhire	33,980.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,900.00
Miscellaneous	2,400.00
Laboratory Supplies	6,000.00
Travel Expense	1,000.00
Emergency	500.00

BLOOD PLASMA PROGRAM

Clerkhire	6,900.00
Postage, Supplies, Printing, Furniture & Fix- tures	1,000.00
Miscellaneous	500.00
Laboratory Supplies	2,000.00
Travel Expense	1,200.00
Total	\$ 71,380.00

DIVISION OF CHILD HYGIENE

Salary—Director	\$ 6,000.00
Clerkhire	27,600.00
Postage, Supplies, Printing, Furniture & Fix- tures	3,200.00
Miscellaneous	1,000.00
Travel Expense	6,000.00
Biologicals	3,200.00
Total	\$ 47,000.00
Grand Total	\$295,640.00

Approved March 13, 1947.

CHAPTER 63

S. B. No. 74—(Committee on Appropriations)

PUBLIC SERVICE COMMISSION—AUTO TRANSPORTATION DIVISION

AN ACT

Making an appropriation for operation and maintenance of the Auto Transportation Division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Auto Transportation Fund, in the State Treasury, the sum of \$81,600.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Director	\$ 6,600.00
Clerkhire	43,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	2,800.00
Miscellaneous	1,000.00
Travel Expense	26,000.00
Workmen's Compensation	200.00
Refunds	2,000.00
Total	\$ 81,600.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0681 to 48-0687, both inclusive, of the North Dakota Revised Code of 1943.

Approved March 6, 1947.

CHAPTER 64

S. B. No. 73—(Committee on Appropriations)

PUBLIC SERVICE COMMISSION—LIVESTOCK DEALERS DIVISION

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Livestock Dealers Fund, in the State Treasury, the sum of \$12,535.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Clerkhire	\$ 8,400.00
Postage, Supplies, Printing, Furniture & Fix- tures	700.00
Miscellaneous	150.00
Travel Expense	3,000.00
Workmen's Compensation	35.00
Refunds	250.00
Total	\$ 12,535.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of the North Dakota Revised Code of 1943.

Approved March 6, 1947.

CHAPTER 65**S. B. No. 123—(Strelbel and Rue)**

PUBLIC SERVICE COMMISSIONER SALARY DEFICIENCY**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, 1947, and declaring an emergency.

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

§ 1. **APPROPRIATION.]** There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of \$450.00, 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, 1947;

§ 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 6, 1947.

CHAPTER 66**H. B. No. 78—(Committee on Appropriations)**

PUBLIC WELFARE BOARD**AN ACT**

Making an appropriation for the biennium beginning July 1st, 1947, and ending June 30th, 1949, 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, defining the powers and duties of the Public Welfare Board in relation thereto, and in providing for allocation of funds to counties for relief purposes and other specified relief expenditures and for the necessary costs of administration of all of the programs above mentioned.

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

§ 1. **APPROPRIATION.]** There is hereby appropriated for the biennium beginning July 1st, 1947, and ending June

30th, 1949, out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,522,080.00, or so much thereof as may be necessary, to be expended by the Public Welfare Board in providing public assistance for the dependent children and for the needy blind as provided by Sections 50-0901 to 50-0924, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 278, Laws of 1945, and Sections 50-0801 to 50-0830, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 279, Laws of 1945, and for child welfare services and services to crippled children as provided by Sections 50-0601 to 50-0614, both inclusive, of the North Dakota Revised Code of 1943 and Sections 50-1001 to 50-1009, both inclusive, of the North Dakota Revised Code of 1943, and in providing for assistance for the needy aged as provided by Sections 50-0701 and 50-0749, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 281, Laws of 1945, and for general relief to destitute and necessitous persons, as herinafter further provided.

§ 2. AID TO DEPENDENT CHILDREN.] Of the amount so appropriated, the sum of \$1,400,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing aid to dependent children as provided by Sections 50-0901 to 50-0924, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 278, Laws of 1945.

§ 3. AID TO NEEDY BLIND.] Of the amount so appropriated, the sum of \$75,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing aid to the needy blind as provided by Sections 50-0801 to 50-0830, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 279, Laws of 1945.

§ 4. CHILD WELFARE SERVICES.] Of the amount so appropriated, the sum of \$22,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing for child welfare services as provided by Sections 50-0601 to 50-0614, both inclusive, of the North Dakota Revised Code of 1943.

§ 5. SERVICES TO CRIPPLED CHILDREN.] Of the amount so appropriated, the sum of \$125,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing services to crippled children as provided by Sections 50-0601 to 50-0614, both inclusive, of the North Dakota Revised Code of 1943 and Sections 50-1001 to 50-1009, both inclusive, of the North Dakota Revised Code of 1943.

§ 6. AID TO NEEDY AGED.] Of the amount so appropriated, the sum of \$3,600,000.00, or so much thereof as

may be necessary, may be expended by the Public Welfare Board in providing assistance for the needy aged as provided by Sections 50-0701 to 50-0740, both inclusive, of the North Dakota Revised Code of 1943 as amended by Chapter 281, Laws of 1945.

§ 7. GENERAL ASSISTANCE FOR RELIEF TO DESTITUTE AND NECESSITOUS PERSONS.] Of the amount so appropriated, the sum of \$100,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing general relief to necessitous persons. Disbursements for general relief to destitute and necessitous persons are to be made for the purpose of relieving the distress of destitute and necessitous persons and their families and dependents by furnishing them with means of support compatible with decency and health, and also in carrying out the provisions of Sections 50-0601 to 50-0614, both inclusive, of the North Dakota Revised Code of 1943. The Public Welfare Board is hereby authorized to make distribution from the amount herein appropriated for relief to destitute and necessitous persons among the county governments of North Dakota from month to month, after taking into consideration the number of relief cases to be cared for, the ability of each county to finance the costs of necessary relief, and other facts which, in the opinion of the Public Welfare Board, should be taken into account in order to do justice and equity among the counties, also to pay for institutional care for indigent unmarried mothers and for the care of transients having state but not county residence, and expense of Federal, State or other welfare projects of general benefit.

§ 8. ADMINISTRATION.] Of the total sum of \$5,522,080.00 hereby appropriated to provide for the six programs above named, the sum of \$200,080.00, or so much thereof as may be necessary for efficient administration, may be used by the Public Welfare Board for the costs of administration of such six programs, as herein itemized, to-wit:

State Office Employees' Salaries	\$140,000.00
Doctors' Fees for Eye Examination	500.00
Travel	20,000.00
Telegraph & Telephone	1,580.00
Postage	8,500.00
Printing	8,475.00
Office Supplies	2,825.00
Rental of Equipment	1,100.00
Repair & Maintenance of Equipment	1,100.00
Purchase of Equipment	2,000.00

Other Operating Expense	1,500.00
Board Member Expense	6,500.00
Cost for Merit System Administration	6,000.00
	<hr/>
Total	\$200,080.00

Approved March 7, 1947.

CHAPTER 67

S. B. No. 63—(Committee on Appropriations)

NORTH DAKOTA RESEARCH FOUNDATION

AN ACT

Making an appropriation for the use of the North Dakota Research Foundation.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$55,000.00 to be used as prescribed by Sections 54-3401 to 54-3405, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1947, and ending June 30th, 1949.

Approved March 15, 1947.

CHAPTER 68

H. B. No. 56—(Committee on Appropriations)

STATE SEED DEPARTMENT

AN ACT

Making an appropriation for salaries and expenses for the State Seed Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Seed Department Fund the sum of \$431,000.000, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Administration	\$ 14,000.00
Deputy Commissioners	31,000.00
Clerks, stenographers, etc.	28,000.00
Field Supervising Inspectors	12,000.00
Inspectors	135,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	14,000.00
Miscellaneous	10,000.00
Advertising & Research	50,000.00
Travel Expense	56,000.00
Automobiles	4,000.00
Test Plots	11,000.00
Food Distribution—Now Production & Market- ing Administration	9,000.00
Rent to Agricultural College & Others	7,000.00
Tags & Seals	20,000.00
Emergency	30,000.00
Total	\$431,000.00

Approved March 13, 1947.

CHAPTER 69

H. B. No. 73—(Committee on Appropriations)

SOIL CONSERVATION COMMITTEE OR DISTRICTS

AN ACT

Making an appropriation for the financing of the operations of the State Soil Conservation Committee or the activities of the State Soil Conservation Districts.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$20,940.00, or so much thereof as may be necessary for the purpose of financing the operations of the office of the State Soil Conservation Committee or the activities of the State Soil Conservation Districts, for the

biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Office Supplies & Postage	\$ 1,000.00
Printing & Stationery	1,700.00
Election Expense	800.00
Publication Fees	1,000.00
Labor Expense	600.00
Travel Expense	15,840.00
Total	\$ 20,940.00

Approved February 11, 1947.

CHAPTER 70

H. B. No. 87—(Committee on Appropriations)

TEACHERS INSURANCE AND RERIREMENT FUND

AN ACT

Making an appropriation out of the Teachers Insurance and Retirement Fund in the State Treasury for operation and maintenance, equipment, supplies, travel and miscellaneous expenses for the Teachers Insurance and Retirement Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Teachers Insurance and Retirement Fund in the State Treasury, not otherwise appropriated, the sum of \$27,900.00, or so much thereof as is necessary for the purpose of operation, maintenance, equipment, supplies, travel and miscellaneous expenses of the Teachers Insurance and Retirement Fund, beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Secretary	\$ 4,800.00
Clerkhire	14,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	6,000.00
Miscellaneous	1,000.00
Travel Expense	900.00
Audit	1,200.00
Total	\$ 27,900.00

Approved February 11, 1947.

CHAPTER 71

H. B. No. 65—(Committee on Appropriations)

COMMISSIONER OF VETERANS' AFFAIRS

AN ACT

Providing an appropriation for the paying of salary, clerkhire, travel and general expenses of the office of Commissioner of Veterans' Affairs.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$67,440.00, or so much thereof as may be necessary, to pay salary, clerkhire, travel and general expenses of the office of Commissioner of Veterans' Affairs as prescribed by Chapter 37-13 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Commissioner	\$ 8,400.00
Salary—Assistant Commissioners	20,000.00
Clerkhire	16,000.00
Postage, Supplies, Printing, Furniture & Fix- tures	5,000.00
Miscellaneous	1,500.00
Travel Expense	8,000.00
Rent	3,240.00
Emergency	2,000.00
Electric Light, Telephone & Telegraph	2,300.00
Travel—State Advisory Committee	1,000.00
Total	\$ 67,440.00

Approved February 11, 1947.

CHAPTER 72

H. B. No. 96

(Allen, Anderson, Arndt, Brickner, Hanson, Fitch, Johnson, Locken, Rudolf, Schuler, Severson, Starck, Wadeson, Wambheim, and Welk.)

**VETERANS AID FUND
AN ACT**

Appropriating three hundred fifteen thousand dollars to the veterans' aid fund for loans to veterans and the administration thereof and making the sum of three hundred thousand dollars a permanent revolving fund which shall not revert to the general fund.

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

§ 1.] That there is hereby appropriated out of any monies in the state treasury, not otherwise appropriated, the sum of three hundred fifteen thousand dollars, the sum of three hundred thousand dollars to be kept by the state treasurer in the veterans' aid fund, disbursement from which shall be made as provided in Chapter 37-14 of the North Dakota Revised Code of 1943 as amended and the sum of fifteen thousand dollars to be used for the necessary administration expenses of the veterans' aid commission.

§ 2.] Such sum of three hundred thousand dollars shall be a permanent revolving fund of the veterans' aid fund and shall not revert to the general fund and shall be used for the purpose of making loans to any veteran of the armed forces of the United States in World War II, who has not been dishonorably discharged, as provided for under Chapter 37-14 of the North Dakota Revised Code of 1943 as amended.

Approved March 14, 1947.

CHAPTER 73

H. B. No. 112—(Appropriations Committee)

VETERANS EMERGENCY FUND

AN ACT

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

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

§1. REAPPROPRIATION.] Any unused portion in the veterans' emergency fund from the appropriation provided by Chapter 137 of the Session Laws of North Dakota 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, 1949.

§ 2.] Such fund shall be disbursed and drawn on by the veterans' service commissioner of North Dakota for emergency aid and relief of veterans of the armed forces of the United States in such cases and for such purposes as to such veterans' service commissioner shall seem proper.

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

§ 4. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

CHAPTER 74

H. B. No. 63—(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$695.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salary	\$	240.00
Clerkhire		20.00
Postage, Supplies & Printing		55.00
Travel Expense		380.00
Total	\$	695.00

Approved March 1, 1947.

CHAPTER 75

H. B. No. 76—(Committee on Appropriations)

WATER COMMISSION—ADMINISTRATIVE FUND

AN ACT

Making an appropriation into the "Administrative Fund" for the State Water Conservation Commission for general administration expenses, maintenance of existing dams and drainage channels, construction of needed drainage channels, planning and surveying projects, expenses of State Compacts and for the preparation of water conservation and irrigation projects for post-war construction and development.

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

§ 1. APPROPRIATION.] There is hereby appropriated into the "Administrative Fund" of the State Water Conservation Commission out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$600,400.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Commissioners—Per Diem & Expenses	\$ 4,000.00
Administration	30,000.00
Maintenance of Existing Dams	45,000.00
Tri-State Waters & Portion of Administrative & Conference Expenses	1,000.00
International & Interstate—Commissioners' & Conference Expenses	10,000.00
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
Reconstruction Drains or Irrigation	200,000.00

Engineering & Geological Surveys & Demonstrations	30,000.00
Postwar Projects, cooperation with U. S. Departments & for organizing Conservation & Irrigation Districts	135,000.00
Other Investigations, Surveys, etc.	90,000.00
Total	\$600,400.00

Approved March 1, 1947.

CHAPTER 76

H. B. No. 85—(Committee on Appropriations)

WORKMEN'S COMPENSATION BUREAU

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Workmen's Compensation Bureau.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Workmen's Compensation Fund, not otherwise appropriated, the sum of \$241,140.00, or so much thereof as may be necessary for the payment of salaries of the members of the Bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and all other expenses of the Bureau authorized in the Workmen's Compensation Acts, and the premium on the bond of the State Treasurer, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary—Commissioners	\$ 18,000.00
Clerkhire	118,000.00
Postage, Supplies, Printing, Furniture & Fixtures	23,800.00
Miscellaneous	6,000.00
Travel Expense	10,000.00
Automobile, Equipment & Miscellaneous	4,000.00
Safety	13,000.00
Legal Clerkhire	16,000.00
Court Expense	3,000.00
Actuary	5,500.00

Medical Director	3,600.00
Department Audit	5,000.00
Emergency—Related to Garrison Dam	15,240.00
Total	\$241,140.00

Approved February 11, 1947.

CHAPTER 77

H. B. No. 204

(Haugland, Moerke, Benno, Brickner, Jennings, Olson, Allen, Larson, Monson, Jofner, Haugen, Stair, Baker, Boucher, Smart, Lawson, Sticka, Erickson, Fraser, Mollet, Frank, Gackle (McHenry), Hanson, Grenier, Lindberg, Acheson, Hofstrand, Bubel, Link, Benson, Culver, Anderson (McKenzie), Wahl, Ellingson)

NORTH CENTRAL AGRICULTURAL EXPERIMENT STATION

AN ACT

Authorizing the Agricultural Experiment Station and State Seed Farm, known as the North Central Agricultural Experiment Station, to purchase three hundred twenty acres of farm land in Ward County, North Dakota, for the use of said station and to erect a seed house building including machinery and equipment, and making an appropriation for the payment thereof and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to be used by the North Central Agricultural Experiment Station for the following purposes:

1. To purchase three hundred twenty acres of farm land in Ward County, North Dakota, for the use of said station at a cost of not to exceed twelve thousand eight hundred dollars; and
2. To erect a seed house building, and to purchase machinery and equipment, at a cost of not to exceed fifty-two thousand two hundred dollars.

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

Approved March 15, 1947.

CHAPTER 78**H. B. No. 299****(Hegge, Schwartz, Monson, Moerke, Mollet)****SUB-EXPERIMENT STATION AT HETTINGER****AN ACT**

Appropriating thirty-two thousand dollars for the sub-experiment station at Hettinger, North Dakota and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of thirty-two thousand dollars, or so much thereof as may be necessary, to be used by the sub-experiment station at Hettinger, North Dakota, for the biennium beginning July 1, 1947 and ending June 30, 1949, for the following purposes:

1. To purchase farm land at Hettinger, North Dakota, for the use of said station at a cost not to exceed twelve thousand dollars; and
2. To maintain and support said station at a cost not to exceed twenty thousand dollars.

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

Approved March 15, 1947.

CHAPTER 79

H. B. No. 81—(Committee on Appropriations)

AUDITS AND EXAMINATIONS STATE INDUSTRIAL AND BUSINESS INSTITUTIONS

AN ACT

To provide for the payment of the expenses of auditing and examining the affairs of the State industrial institutions, and the special departments and its subdivisions, of the State of North Dakota, designating and appropriating the funds from which paid; providing for the payment of said collection into the Special Fund in the State Treasury; providing for repeal of acts.

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

§ 1. In order to reimburse the State for the expense of making the audits and examinations of industrial and business institutions of the State of North Dakota by the State Board of Auditors as provided for by Chapter 54-13 of the North Dakota Revised Code of 1943, the North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks, the Bank of North Dakota, including the Farm Loan Department, the State Hail Insurance Department, the Workmen's Compensation Bureau of the State of North Dakota, the Coal Mine, Inspection Department, the North Dakota Teachers' Insurance and Retirement Fund, the Highway Department, the Motor Vehicle Department, Driver's License Department, 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 & 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 & Retirement Fund	1,200.00
State Highway Department	12,000.00
Motor Vehicle Department	3,000.00
North Dakota Highway Patrol & Driver's License Bureau	1,500.00
Game and Fish Department	3,000.00
State Laboratories	1,500.00
Total	\$ 59,500.00

§ 2. APPROPRIATION.] The amount herein directed to be paid by the aforesaid mentioned departments and institutions, shall be deemed and considered as appropriations of each amount thereof to the State Board of Auditors.

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

Approved March 1, 1947.

CHAPTER 80

S. B. No. 70

(Committee on Appropriations)

THE BANK OF NORTH DAKOTA

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Bank of North Dakota Fund created by transfer of profits from said institution, the sum of \$587,700.00, or so much thereof as may be necessary for the purpose of defraying the expense of the maintenance and operation of the Bank of North Dakota, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

BANKING DEPARTMENT

Administrative Expense	\$168,100.00
General Expense	73,900.00

Examination & Legal Expense	15,900.00
Building Maintenance	19,800.00
Emergency Fund	10,000.00
Total	\$287,700.00

COLLECTION AND LAND DEPARTMENT

Administrative Expense	\$111,600.00
General Expense	28,400.00
Emergency Fund	25,000.00
Field Supervision	114,000.00
Examination & Legal Expense	21,000.00
Total	\$300,000.00
Grand Total	\$587,700.00

Approved March 15, 1947.

CHAPTER 81

S. B. No. 56—(Committee on Appropriations)

SCHOOL FOR THE BLIND

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$30,000.00 out of the Institutional Collections Fund and the Interest and Income Fund of the institution hereafter named, and the sum of \$76,140.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary, to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind at Bathgate, North Dakota, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Superintendent	\$ 6,800.00
2. Faculty	22,500.00
3. Other Employees	30,740.00

Operating Expense:

1. Fuel—including Freight	8,000.00
2. Light, Power, Water, Telephone, Telegraph, Postage, Freight & Express	4,000.00
3. Insurance, Bonds, etc.	2,000.00
4. Printing, Office & Educational Supplies	1,800.00
5. Travel	400.00
6. Power House Supplies	700.00
7. Janitors' Supplies	300.00
8. Students' Welfare	500.00
9. Food—including Meats, etc.	13,500.00
10. Clothing	300.00
11. Hospital & Medical Service	800.00
12. Laundry Costs	500.00
13. Farm, Garden & Grounds	2,000.00
Total Maintenance	\$ 94,840.00

Improvements & Repairs:

1. General Repairs	\$ 3,000.00
2. New Shingles for Main Building (this includes labor & tinwork)	2,000.00
Equipment	5,000.00
Miscellaneous Items	1,300.00
Total	\$106,140.00

Approved March 15, 1947.

CHAPTER 82

H. B. No. 155—(Fleck)

PAYMENT CAPITAL PARK ADDITION SPECIAL ASSESSMENTS

AN ACT

Making an appropriation for the purpose of paying the cost of a special assessment levied against all of Capital Park Addition except Lots Twenty-one and Twenty-two in Block Thirty-three thereof in the City of Bismarck, North Dakota for the construction of storm water sewers.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$991.54 for the biennium beginning July 1, 1947 and ending June 30, 1949 to be paid to the City of Bismarck, North Dakota, for a special assessment levied against all of Capital Park Addition except lots 21 and 22 in block 33 thereof for the cost of constructing storm water sewers in the said city of Bismarck.

Approved March 7, 1947.

CHAPTER 83

S. B. No. 55—(Committee on Appropriations)

SCHOOL FOR THE DEAF

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$35,000.00 out of the Interest and Income Fund and the Institutional Collections Fund of the institution hereafter named and the sum of \$455,700.00 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 1st, 1947, and ending June 30th, 1949, to-wit: Salaries & Wages:

- 1. Salary—Superintendent\$ 6,900.00
- 2. Other Employees 180,000.00

Operating Expense:

- 1. Fuel, Light, Power & Water 22,000.00
- 2. Telephone, Telegraph, Postage & Office Supplies 1,500.00
- 3. Educational Supplies 5,000.00
- 4. Insurance, Bonds, etc. 4,000.00
- 5. Power House Supplies 1,000.00
- 6. Janitors' Supplies & Laundry 4,000.00
- 7. Travel 600.00

8. Student Amusement & Welfare	1,000.00
9. Food (including Meats)	25,000.00
10. Hospital & Medical Supplies	1,250.00
11. Farm & Garden Supplies	5,000.00
12. Auto & Bus Upkeep	1,500.00
13. Kitchen Supplies	1,200.00
14. Dry Goods	2,000.00
	<hr/>
Total Maintenance	\$261,950.00
Improvements & Repairs:	
1. General	\$ 12,000.00
2. Roofing & Repainting Main Building	4,000.00
New Buildings:	
1. Gymnasium & School House Addition	185,000.00
2. Remodel Kitchen & Replace Equipment	8,200.00
3. Garage	2,500.00
Equipment:	
1. Library & Textbooks	1,250.00
2. Furniture	4,000.00
3. Laundry, Power House & Trades Equipment	6,000.00
4. Campus & Playground Equipment	600.00
5. Farm Equipment	2,000.00
6. Car	1,200.00
7. Truck	2,000.00
	<hr/>
Total	\$490,700.00

Approved March 15, 1947.

CHAPTER 84

S. B. No. 57—(Committee on Appropriations)

GRAFTON STATE SCHOOL

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$340,000.00 out of the County Care and Institu-

tional Collections Funds of the institution hereafter named and the sum of \$1,066,500.00 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 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Superintendent	\$ 8,000.00
2. Other Employees	465,000.00

Operating Expense:

1. Fuel (including Freight)	70,000.00
2. General Repairs	15,000.00
3. Insurance, Bonds, Printing & Incidentals.....	14,500.00
4. Travel	2,000.00
5. Office & Educational Supplies	6,500.00
6. Power House & Electrical Supplies	10,000.00
7. Janitors' & Laundry Supplies	24,000.00
8. Inmates' Welfare	4,000.00
9. Food (including meats, etc.)	130,000.00
10. Clothing	50,000.00
11. Hospital & Medical Service	14,000.00
12. Farm & Garden	27,500.00
13. Beds, Bedding & Furnishings	19,000.00

Total Maintenance\$859,500.00

Improvements and Repairs:

1. Repairs on Evaporators	2,000.00
2. Artesian Wells	2,000.00
3. Paints, Painting & Glass	4,000.00
4. Buildings	10,000.00
5. Farm, Garden, etc.	6,000.00
6. Pump & Piping to Laundry	2,500.00

New Buildings: (To be constructed only on authorization by the Budget Board of the State of North Dakota)

1. New Hospital (130 Beds)	375,000.00
2. Addition to & Remodel Refectory	100,000.00

Equipment:

1. New Cars & Trucks	3,000.00
2. Farm Machinery	3,000.00
3. Kitchen, etc.	5,000.00
4. Laundry & Janitor	8,000.00
5. Hospital	6,000.00

6. Fire Fighting	2,000.00
7. Refrigeration	4,000.00
8. Bake Oven	4,500.00
Miscellaneous Items:	
1. Land Rentals	10,000.00
Total	<u>\$1,406,500.00</u>

Approved March 15, 1947.

CHAPTER 85

S. B. No. 111—(Committee on Appropriations)

DEFICIENCY APPROPRIATION FOR FEEBLE MINDED STATE AT LARGE

AN ACT

Making an appropriation of \$201.29 to The Grafton State School for the payment of a deficiency in the State at Large appropriation.

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

§ 1. APPROPRIATIONS.] There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to the Grafton State School, the sum of \$201.29 or so much thereof as may be necessary to pay a deficiency existing for the care and maintenance of a State at Large inmate during the period prior to July 1, 1944.

Approved March 6, 1947.

CHAPTER 86

H. B. No. 66—(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:

§ 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 1st, 1947, and ending June 30th, 1949.

Approved February 20, 1947.

CHAPTER 87

H. B. No. 54—(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:

§ 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	\$2,634,769.00
2.	(a) Agricultural College	2,419,250.00
	(b) Agricultural College— Experiment Station	638,559.00
	(c) Agricultural College— Extension Division	150,000.00
3.	School of Forestry	340,053.00
4.	Ellendale Normal & Industrial School	219,740.00
5.	School of Science	480,000.00
6.	State Teachers College, Dickinson	287,641.00
7.	State Teachers College, Mayville	286,750.00
8.	State Teachers College, Minot	921,834.00
9.	State Teachers College, Valley City	397,944.00

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

1.	State University	\$ 850,000.00
2.	Agricultural College	767,000.00
3.	School of Forestry	60,000.00
4.	Ellendale Normal & Industrial School	80,000.00
5.	School of Science	260,000.00
6.	State Teachers College, Dickinson	85,000.00
7.	State Teachers College, Mayville	90,000.00
8.	State Teachers College, Minot	145,000.00
9.	State Teachers College, Valley City	171,300.00

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.

§ 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 1st, 1947, and ending June 30th, 1949.

STATE UNIVERSITY

§ 3. APPROPRIATIONS.]

1.	Educational Service	
	a. College of Engineering	275,165.00
	b. State-Wide Service on Natural Resources	28,350.00

c.	College of Science, Literature & Arts	646,302.00
d.	School of Commerce	156,133.00
e.	School of Education	234,265.00
f.	School of Law	65,920.00
g.	School of Medicine	110,900.00
h.	Division of Correspondence Study	28,700.00
i.	General Educational Service	52,300.00
j.	Summer Session	125,000.00
	Total Educational Service	\$1,723,035.00
2.	Library	55,600.00
3.	Administration	141,000.00
4.	Student Welfare, Health & Placement	18,216.00
5.	Buildings & Grounds	300,000.00
6.	Improvements & Repairs	40,803.00
7.	Equipment	90,000.00
8.	Fixed Charges	29,915.00
9.	School of Mines Special	5,000.00
	Total	\$2,403,569.00
	Less Estimated Income	850,000.00
	Net Appropriation	1,553,569.00
10.	Buildings & Special Projects:	
a.	Science Building	250,000.00
b.	Addition to Science Building	150,000.00
c.	Science Building Equipment	20,000.00
d.	Men's Gymnasium	600,000.00
e.	Veterans' Housing	61,200.00
	Total	2,634,769.00
AGRICULTURAL COLLEGE		
1.	Educational Service	1,449,000.00
2.	Library	56,000.00
3.	Administration	119,000.00
4.	Student Welfare, Health & Placement ... Service	18,000.00
5.	Buildings & Grounds	340,000.00
6.	Improvements & Repairs	90,000.00
7.	Equipment	90,000.00
8.	Fixed Charges	27,250.00
	Total	2,189,250.00
	Less Estimated Income	767,000.00
	Net Appropriation	1,422,250.00

9. New Buildings:

a. Library	200,000.00
b. Additional Appropriation for Library	200,000.00
c. Boiler	65,000.00
d. Additional Appropriation for Boiler	20,000.00
e. Agricultural Engineering	115,000.00
f. Livestock Building	110,000.00
g. Relocating & Building New Barns	100,000.00
h. Maintenance Building	120,000.00
i. Main Building Addition	12,000.00
j. Reimbursement for Veterans' Housing Projects	55,000.00
Total	2,419,250.00

AGRICULTURAL COLLEGE—EXPERIMENT STATION

1. Main Station:

a. Scientific Investigations	290,000.00
b. Veterinary Science	33,900.00
c. Public Service	15,000.00
d. Special Equipment	30,000.00
e. Improvements & Repairs	15,000.00
f. New Buildings	60,000.00
g. Fixed Charges	45,159.00

Total Main Station 489,059.00

2. Branch Stations:

a. Dickinson Dry Land	25,000.00
b. Dickinson Livestock Unit	30,000.00
e. Edgeley	18,000.00
d. Langdon	18,000.00
e. North Central	30,000.00
f. Williston Dry Land	13,500.00
g. Williston Irrigation	15,000.00

Total Branch Stations 149,500.00

Total Main & Substations 638,559.00

AGRICULTURAL COLLEGE—EXTENSION DIVISION

1. Administration	10,560.00
2. County Agent	30,403.00
3. Home Demonstration	13,900.00
4. 4-H Club & Rural Young People	15,140.00
5. Information & Publications	10,740.00
6. Forestry	4,210.00
7. Field Agents in Agriculture	39,485.00
8. Field Agents in Home Economics	9,445.00

9.	Health Planning	1,350.00
10.	Fixed Charges	14,767.00
	Total	150,000.00

SCHOOL OF FORESTRY

1.	Educational Service	71,440.00
2.	Library	2,000.00
3.	Administration	19,425.00
4.	Student Welfare, Health & Placement Service	500.00
5.	Buildings & Grounds	17,000.00
6.	Nursery & Greenhouse	38,500.00
7.	Improvements & Repairs	2,500.00
8.	Equipment	4,000.00
9.	Fixed Charges	1,688.00
	Total	157,053.00
	Less Estimated Income	60,000.00
	Net Appropriation	97,053.00

10.	New Buildings:	
a.	Forestry Classroom, Library & Physi- cal Education Building	200,000.00
b.	Central Heating Plant	35,000.00
c.	Reimbursement for Veterans' Hous- ing Projects	8,000.00
	Total	\$ 340,053.00

ELLENDALE NORMAL AND INDUSTRIAL SCHOOL

1.	Educational Service	\$ 142,900.00
2.	Library	5,750.00
3.	Administration	28,650.00
4.	Student Welfare, Health & Placement Service	6,900.00
5.	Buildings & Grounds	52,000.00
6.	Improvements & Repairs	34,500.00
7.	Equipment	11,600.00
8.	Fixed Charges	3,440.00
	Total	285,740.00
	Less Estimated Income	80,000.00
	Net Appropriation	205,740.00

9.	New Buildings:	
a.	Veterans' Housing	14,000.00
	Total	\$ 219,740.00

SCHOOL OF SCIENCE

1.	Educational Service	\$ 388,500.00
2.	Library	12,000.00
3.	Administration	46,000.00
4.	Student Welfare, Health & Placement Service	5,500.00
5.	Buildings & Grounds	85,000.00
6.	Improvements & Repairs	25,000.00
7.	Equipment	35,000.00
8.	Fixed Charges	8,000.00
	Total	605,000.00
	Less Estimated Income	260,000.00
	Net Appropriation	345,000.00
9.	New Buildings:	
	a. Heating Plant	120,000.00
	b. Reimbursement for Veterans' Hous- ing Projects	15,000.00
	Total	\$ 480,000.00

STATE TEACHERS COLLEGE, DICKINSON

1.	Educational Service	\$ 208,500.00
2.	Library	12,000.00
3.	Administration	33,000.00
4.	Student Welfare, Health & Placement Service	6,000.00
5.	Buildings & Grounds	80,000.00
6.	Improvements & Repairs	20,000.00
7.	Equipment	10,000.00
8.	Fixed Charges	3,141.00
	Total	372,641.00
	Less Estimated Income	85,000.00
	Net Appropriation	\$ 287,461.00
9.	New Buildings:	
	a. Reimbursement for Veterans' Hous- ing Projects	5,000.00
	Total	\$ 292,461.00

STATE TEACHERS COLLEGE, MAYVILLE

1.	Educational Service	\$ 199,050.00
2.	Library	15,300.00
3.	Administration	30,000.00
4.	Student Welfare, Health & Placement Service	5,750.00

5. Buildings & Grounds	68,000.00
6. Improvements & Repairs	40,000.00
7. Equipment	15,000.00
8. Fixed Charges	3,650.00
	<hr/>
Total	376,750.00
Less Estimated Income	90,000.00
	<hr/>
Net Appropriation	\$ 286,750.00

STATE TEACHERS COLLEGE, MINOT

1. Educational Service	\$ 422,514.00
2. Library	25,000.00
3. Administration	50,000.00
4. Student Welfare, Health & Placement Service	3,740.00
5. Buildings & Grounds	125,000.00
6. Improvements & Repairs	20,000.00
7. Equipment	25,000.00
8. Fixed Charges	5,580.00
	<hr/>
Total	676,834.00
Less Estimated Income	145,000.00
	<hr/>
Net Appropriation	531,834.00
9. New Buildings:	
a. Physical Education & Health Bulding, including necessary addition to Power Generating Capacity	350,000.00
b. Power House Conversion from Direct to Alternating Current	40,000.00
	<hr/>
Total	\$ 921,834.00

STATE TEACHERS COLLEGE, VALLEY CITY

1. Educational Service	\$ 323,950.00
2. Library	16,600.00
3. Administration	36,500.00
4. Student Welfare, Health & Placement Service	8,500.00
5. Buildings & Grounds	125,962.00
6. Improvements & Repairs	36,500.00
7. Equipment	15,000.00
8. Fixed Charges	6,232.00
	<hr/>
Total	\$ 569,244.00
Less Estimated Income	171,300.00
	<hr/>
Net Appropriation	\$ 397,944.00

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

Approved March 14, 1947.

CHAPTER 88

S. B. No. 59—(Committee on Appropriations)

STATE HOSPITAL FOR THE INSANE

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$1,894,700.00 out of the County Care, Institutional Collections and Interest Collections Funds of the institution hereafter named and the sum of \$410,000.00 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 items of the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Superintendent	\$ 9,000.00
2. Other Employees	950,000.00

Operating Expense:

1. Administrative Expense	30,800.00
2. Occupational Therapy	5,500.00
3. Farm, Garden, Auto & Truck	70,000.00
4. Physical Plant, Repairs & Supplies	225,000.00
5. Clothing & Footwear	65,000.00
6. Foods	405,000.00

7. Household, Kitchen Supplies, etc.	31,900.00
8. Laundry & Janitors' Supplies, etc.	36,000.00
9. Hospital, Medical & Surgical Supplies	38,500.00
10. Insurance & Bonds	18,000.00
11. Miscellaneous Supplies, etc.	10,000.00

Total Maintenance\$1,894,700.00

Improvements & Repairs:

1. Addition & Alteration— Sewage Disposal Plant	100,000.00
--	------------

New Buildings:

1. Employees' Building	250,000.00
------------------------------	------------

Equipment:

1. Hydrotherapy Equipment	10,000.00
2. Beds, Bedding, Furniture & Furnishings	25,000.00
3. Elevator (A-B-C or Receiving Bldg.)	15,000.00
4. Ash Conveyor Equipment	10,000.00

Total\$2,304,700.00

Approved March 6, 1947.

CHAPTER 89

S. B. No. 176—(Committee on Appropriations)

STATE HOSPITAL FOR THE INSANE LAND PURCHASE

AN ACT

Making an appropriation for the purchase of land for the State Hospital for the Insane, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of Twenty Thousand Dollars (\$20,000.00) or so much thereof as may be necessary out of any moneys in the State Treasury, not otherwise appropriated, for the purchase of land for the North Dakota State Hospital for the Insane, and described as follows:

All that part of Section Five (5), lying North of the railroad right of way of the Northern Pacific Railway Company, being approximately Two Hundred

and Ninety-nine (299) acres; the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8), being One Hundred Sixty (160) acres more or less; the East Half of the Southeast Quarter of Section Seven (7), consisting of Eighty (80) acres more or less; the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Seven (7), consisting of One Hundred Twenty (120) acres more or less, all in Township One Hundred Thirty-nine (139), North of Range Sixty-three (63), West of the Fifth P. M. in Stutsman County, North Dakota.

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

Approved March 7, 1947.

CHAPTER 90

H. B. No. 67—(Committee on Appropriations)

INSANE PATIENTS—STATE AT LARGE

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$85,000.00, 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 1st, 1947, and ending June 30th, 1949.

Approved February 20, 1947.

CHAPTER 91

S. B. No. 110—(Committee on Appropriations)

DEFICIENCY INSANE PATIENTS—STATE AT LARGE

AN ACT

Making an appropriation of \$961.12 to The State Hospital for the Insane for the payment of a deficiency in the State at Large appropriation.

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

§ 1. APPROPRIATION.] There is hereby appropriated for the State Hospital for the Insane, out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$961.12 or so much thereof as may be necessary, to pay a deficiency existing for the care and maintenance of two State at Large insane patients during the period from 1934 to 1944.

Approved February 10, 1947.

CHAPTER 92

S. B. No. 71—(Committee on Appropriations)

STATE MILL AND ELEVATOR ASSOCIATION

AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State of North Dakota doing business as the North Dakota Mill and Elevator Association.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the North Dakota Mill and Elevator Association Fund the sum of \$2,236,025.00, 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 1st, 1947, and ending June 30th, 1949, to-wit:

Manufacturing Expense	\$ 851,500.00
Selling & Delivery Expense	201,850.00
Administration Expense	88,200.00
General Expense	118,550.00

Elevator Department	153,150.00
Feed Mill Department	330,700.00
State Local Elevator	30,075.00
Audit Fees	12,000.00
Additional Elevator Storage Capacity	325,000.00
Emergency	125,000.00
Total	\$2,236,025.00

Approved March 15, 1947.

CHAPTER 93

S. B. No. 61—(Committee on Appropriations)

STATE PENITENTIARY

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$8,000.00 out of the Coffin Manufacturing Fund, the sum of \$70,000.00 out of the Miscellaneous Earnings Fund and the sum of \$30,000.00 out of the Institutional Collections Fund of the institution hereafter named and the sum of \$615,975.00 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 Penitentiary, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Warden	\$ 4,000.00
2. Other Employees	196,000.00

Operating Expense:

1. Fuel—including freight	30,000.00
2. Light, Power, Water & Gas	10,000.00
3. Telephone, Telegraph & Postage	1,900.00
4. Freight & Express	800.00
5. Insurance & Bonds	10,000.00
6. Printing & Office Supplies	600.00

7.	Travel Expense	350.00
8.	Educational Supplies	300.00
9.	Power House & Electric Supplies	2,500.00
10.	Janitor & Laundry Supplies	7,000.00
11.	Inmates' Welfare	2,000.00
12.	Food & Kitchen Supplies	60,000.00
13.	Clothing, Bedding, etc.	16,000.00
14.	Hospital & Medical Services	13,000.00
15.	Bertillon & Escapes	1,000.00
16.	Transportation & Clothing Allowances.....	6,000.00
17.	Maintenance Autos & Trucks	4,000.00
18.	Inmates' Wages	21,000.00
19.	Maintenance Farm & Shops	16,500.00
20.	Miscellaneous Supplies	300.00

Total Maintenance & Salaries\$403,250.00

Improvements & Repairs:

1.	General	7,000.00
----	---------------	----------

New Buildings:

1.	Administration Building (To be constructed only on authorization by the Budget Board of the State of North Dakota)	200,000.00
----	--	------------

Equipment:

1.	Kitchen & Household	2,000.00
2.	Farm	1,000.00
3.	Hospital	300.00
4.	Shops	1,000.00
5.	Office	1,000.00
6.	Firehose & Fire Fighting Supplies	500.00
7.	Arsenal	300.00
8.	Truck Trades	1,000.00
9.	Automobile Trades	1,000.00

Miscellaneous Items:

1.	Rent of Lands	2,000.00
----	---------------------	----------

Total Penitentiary Proper\$620,350.00

STATE PAROLE OFFICER:

1.	Salary & Travel Expense	\$ 8,400.00
----	-------------------------------	-------------

STATE BUREAU OF CRIMINAL IDENTIFICATION:

1.	Officer in Charge	5,400.00
2.	Finger Print Expert	5,400.00
3.	Travel Expense	3,000.00
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	70,000.00
COFFIN FACTORY	8,000.00
Total	<u>\$723,975.00</u>

Approved March 6, 1947.

CHAPTER 94

H. B. No. 68--(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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$13,853.00, 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 \$48,700.00, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, or so much thereof as may be necessary for the maintenance and support of the North Dakota Soldier's Home located at Lisbon, North Dakota, said sums to be paid as follows: one quarter or \$15,638.25 to be payable July 1st, 1947, 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 \$250,000.00, or so much thereof as may be necessary for the purpose of a new building, sewer and water extension, furniture and equipment at the North Dakota Soldiers' Home at Lisbon, North Dakota, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Expense & Per Diem for Board	\$ 1,400.00
Salaries for Staff	8,360.00
Expense & Per Diem of Auditor	144.00
Employees & Home Members Employed	17,000.00
Maintenance & Operation	<u>35,649.00</u>

New Building, Sewer & Water Extension, Furniture & Equipment (To be constructed only on authorization by the Budget Board of the State of North Dakota)	250,000.00
Total	<u>\$312,553.00</u>
Less estimated income all sources	48,700.00
Balance out of the General Fund	<u>\$263,853.00</u>

§ 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 14, 1947.

CHAPTER 95

S. B. No. 62—(Committee on Appropriations)

NORTH DAKOTA STATE FARM

AN ACT

Making an appropriation for the general maintenance and operation of the North Dakota State Farm, Bismarck, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$30,000.00, 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 1st, 1947, and ending June 30th, 1949. 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 1st, 1947, and ending June 30th, 1949.

Approved March 6, 1947.

CHAPTER 96

S. B. No. 109—(Committee on Appropriations)

NORTH DAKOTA STATE FARM FIRE INSURANCE

AN ACT

Making an appropriation for the payment of premiums to the State Fire and Tornado Fund for insurance at the North Dakota State Farm.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$326.27, or so much thereof as may be necessary, for the payment of premiums to the State Fire and Tornado Fund, to-wit:

North Dakota State Farm, for biennium ending June 30, 1943	\$	326.27
Total	\$	326.27

Approved March 6, 1947.

CHAPTER 97

S. B. No. 60—(Committee on Appropriations)

STATE TRAINING SCHOOL

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$55,000.00 out of the Interest, Income and Institutional Collections Funds of the institution hereafter named and the sum of \$583,700.00 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 expenses of the State Training School at Mandan, North Dakota, for

the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Superintendent	\$ 8,000.00
2. Other Employees	170,000.00

Operating Expense:

1. Fuel, Light, Power, Water & Gas	27,000.00
2. Telephone, Telegraph, Postage, Freight, Ex- press, Travel & Parole Expense	9,500.00
3. Printing & Office Supplies	1,500.00
4. Educational Supplies	3,000.00
5. Power House, Janitor & Laundry Supplies....	12,500.00
6. Students' Welfare & Wages	6,000.00
7. Food—including Household Supplies	64,000.00
8. Clothing	22,000.00
9. Hospital & Medical Service	14,900.00
10. Farm & Garden Maintenance	18,000.00
11. Grounds	700.00
12. Carpenter Shop, Gasoline, Auto & Truck Expense	8,500.00
13. Insurance	5,800.00

Total Maintenance\$371,400.00

Improvements & Repairs:

1. Repairs for Devine Hall	2,000.00
2. Repair & Improve Dyke	500.00
3. General Repairs on Buildings	5,000.00
4. Painting & Decorating	2,000.00
5. Machine Shed	1,000.00
6. Reshingle Power House	800.00
7. Replace Pipes in Main, Brown & Maple	1,000.00
8. Water & Sewage Line to New Building	1,000.00
9. Water, Sewage, Gas & Power to Milk House	600.00
10. Storm Sewer	2,200.00
11. Trades School Extension	8,000.00

**New Buildings to be constructed only on authoriza-
tion by the Budget Board of the State of
North Dakota:**

1. Dormitory	178,000.00
2. Storeroom & Refrigeration	15,000.00
3. New Road & Grade	3,000.00

Equipment:

1. Trades School	8,000.00
2. Milk House Equipment	2,000.00
3. Farm Equipment	3,500.00

4. Carpenter & Plumbing Shop	2,200.00
5. Library	700.00
6. Household	3,600.00
7. School & Office	2,800.00
8. Tools	1,000.00
9. Replace Power House Equipment	5,500.00
10. Replace Car & Light Truck	2,300.00
11. Furniture & Equipment for New Dormitory	12,000.00
Miscellaneous:	
1. Burial Expense & Rewards	800.00
2. Land Rental	2,000.00
3. Fencing	800.00
Total	<u>\$638,700.00</u>

Approved March 7, 1947.

CHAPTER 98

S. B. No. 175—(Committee on Appropriations)

STATE TRAINING SCHOOL LAND PURCHASE

AN ACT

Making an appropriation for the purchase of land for the State Training School, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of One Thousand Dollars (\$1,000.00), or so much thereof as may be necessary, out of the institutional collections fund of the State Training School for the purchase of land described as follows: The East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Thirty-nine (139), Range Eighty-one (81), in Morton County, North Dakota, for the State Training School.

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

Approved March 7, 1947.

CHAPTER 99

S. B. No. 58—(Committee on Appropriations)

STATE TUBERCULOSIS SANATORIUM

AN ACT

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

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$235,000.00 out of the County Care and Institutional Collections Fund of the institution hereafter named and the sum of \$580,800.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs, new building and equipment of the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

- 1. Salary—Superintendent\$ 12,000.00
- 2. Other Employees 405,000.00

Operating Expense:

- 1. Fuel—including Freight 46,000.00
- 2. Auto & Truck Maintenance 3,700.00
- 3. Telephone, Telegraph, Postage, Freight & Express 5,500.00
- 4. Insurance, Bonds, etc. 7,000.00
- 5. Travel 700.00
- 6. Office Supplies & Printing 2,000.00
- 7. Miscellaneous 100.00
- 8. Power House Supplies 9,000.00
- 9. Janitors' Supplies 8,500.00
- 10. Patients' Welfare 2,400.00
- 11. Food (including meats, etc.) 190,000.00
- 12. Clothing, Bedding, Linen, etc. 10,000.00
- 13. Hospital & Medical Service 25,000.00
- 14. Farm, Dairy & Poultry Maintenance 15,000.00
- 15. Garden, Greenhouse & Grounds 600.00
- 16. Laundry, Water Softening Supplies 8,000.00
- 17. Dishes, Crockery, Utensils, etc. 3,500.00
- 18. Refunds 300.00

Total Maintenance\$754,800.00

Improvements & Repairs:

1. General Improvements & Repairs	7,000.00
2. Remodel Old Administration Bldg.	22,500.00
3. Chicken Coop Extension	1,000.00
4. New Well & Pump	6,000.00

New Buildings: (To be constructed on authorization by the Budget Board of the State of North Dakota)

1. Duplex Cottage	15,000.00
-------------------------	-----------

Equipment:

1. Hospital	2,000.00
2. Farm	500.00
3. Furniture, Rugs, Replacements, etc.	3,000.00
4. Office Equipment	500.00
5. Dietary Equipment	2,000.00
6. Truck Exchange	2,000.00

Total\$815,800.00

Approved March 15, 1947.

CHAPTER 100

S. B. No. 72—(Committee on Appropriations)

NORTH DAKOTA TWINE AND CORDAGE PLANT

AN ACT

Making an appropriation for the general maintenance and operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Twine Plant Operating Fund, the sum of \$1,996,505.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the North Dakota Twine and Cordage Plant, for the biennium beginning July 1st, 1947, and ending June 30th, 1949, to-wit:

Salaries & Wages:

1. Salary—Manager	\$ 3,400.00
2. Salaries—Foremen, Guards & Salesmen	92,055.00

Operating Expense:

1. Unmanufactured Hemp	950,000.00
2. Stores	110,000.00
3. Maintenance, Repairs & Supplies	11,000.00
4. Inmates' Labor	21,000.00
5. Fuel, Light & Water	15,000.00
6. Unearned Insurance	17,000.00
7. Officers' & Inmates' Maintenance	50,000.00
8. Miscellaneous Manufacturing Expense	100.00
9. Miscellaneous Office Expense	100.00
10. Telephone, Telegraph & Postage	600.00
11. Stationery & Office Supplies	450.00
12. Freight Expense	200.00
13. Miscellaneous Selling Expense	400.00
14. Advertising	500.00
15. Travel Expense	4,200.00
16. Truck Expense	600.00
17. Commissions	10,000.00
18. Emergency Fund	150,000.00
<hr/>	
Total Maintenance	\$1,436,605.00

Improvements & Repairs:

1. Buildings	2,500.00
New Buildings: (To be constructed only on authorization by the Budget Board of the State of North Dakota)	
1. New Administration Building (Penitentiary)	200,000.00

Equipment:

1. New Machinery, Equipment	12,000.00
2. Office Furniture, Fixtures & Equipment.....	400.00
3. Boiler Room Repairs (including 2 new Stokers)	6,000.00

Miscellaneous:

1. Twine & Rope Returns & Allowances	6,000.00
2. Quantity Discount	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
<hr/>	
Total	\$1,996,505.00

Approved March 6, 1947.

CHAPTER 101**S. B. No. 127—(Rue and Strelbel)****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:

§ 1. There is hereby transferred out of the unappropriated surplus now in the "Auto Transportation Fund" the sum of \$35,000 to the credit of the "Highway Operating Fund" in the State Treasury.

§ 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.

§ 3. 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, 1947.

CHAPTER 102

S. B. No. 26

(Brant for Legislative Research Committee at the request of
State Insurance Department)

TRANSFER EQUALIZATION FUND TO HAIL INSURANCE FUND

AN ACT

To amend and reenact Section 15-4004 of the North Dakota Revised Code of 1943 relating to the expenditure of the Emergency Fund of the State Equalization Fund, appropriations to, and how and for what expended; and authorizing and directing the State Treasurer to transfer \$900,000.00, without interest, from said State Equalization Fund to the State Hail Insurance Fund.

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

§ 1. AMENDMENT.] That Section 15-4004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4004. EMERGENCY FUND: APPROPRIATION TO; HOW AND FOR WHAT EXPENDED.] The amount appropriated by the Legislative Assembly from time to time to the Emergency Fund of the State Equalization Fund, or so much thereof as may be necessary, shall be used to aid financially distressed schools in the manner provided in this chapter. Only one-half of the amount appropriated for any biennium shall be available for expenditure during the first year of such biennium.

2. AUTHORIZATION OF TRANSFER OF \$900,000.00 FROM STATE EQUALIZATION FUND TO STATE HAIL INSURANCE FUND.] The State Treasurer is hereby authorized and directed to transfer nine hundred thousand dollars from the State Equalization Fund to the State Hail Insurance Fund, said sum being the balance due of the total amount of money diverted from said State Hail Insurance Permanent Surplus Fund to the State Equalization Fund by Chapter 155 of the Session Laws of North Dakota for the year 1935.

Approved March 10, 1947.

CHAPTER 103**S. B. No. 128—(Rue and Strelbel)**

TRANSFER \$5,000 LIVESTOCK DEALERS FUND TO GENERAL FUND**AN ACT**

Transferring \$5,000 from the Livestock Dealers' Fund of the Public Service Commission to the General Fund of the State.

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

§ 1. There is hereby transferred from the Livestock Dealers' Fund of the Public Service Commission to the General Fund of the State of North Dakota, the sum of Five Thousand Dollars.

Approved March 15, 1947.

CHAPTER 104**S. B. No. 195—(Morgan)**

TRANSFER \$23,027.33 MILLING BOND PAYMENT FUND TO GENERAL FUND**AN ACT**

Transferring twenty-three thousand twenty-seven dollars and thirty-six cents from the milling bond payment fund to the general fund of the state.

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

§ 1. TRANSFERRING MILLING BOND PAYMENT FUND TO THE GENERAL FUND.] There is hereby transferred from the milling bond payment fund to the general fund of the state of North Dakota the sum of twenty-three thousand twenty-seven dollars and thirty-six cents.

Approved March 20, 1947.

CHAPTER 105

S. B. No. 185—(Judiciary Committee)

TRANSFER \$25,000 MOTOR FUEL TAX FUND TO GENERAL FUND

AN ACT

To amend and reenact section 57-4114 of the North Dakota Revised Code of 1943 eliminating the provision for transfer of twenty-five thousand dollars annually from the motor fuel tax fund to the general fund.

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

§ 1. AMENDMENT.] That section 57-4114 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4114. DEDUCTION OF COST OF COLLECTING; APPROPRIATION FOR EXPENSES.] On making payments to the state auditor as is provided in this chapter the dealer first shall deduct from the amount of tax due one and one-half percent thereof to cover the cost of collecting the tax and transmitting the same to the state auditor.

Approved March 20, 1947.

CHAPTER 106

H. B. No. 94

(Allen, Anderson, Arndt, Brickner, Rudolf, Fitch, Hanson, Johnson, Locken, Schuler, Severson, Starck, Wadson, Wambheim and Welk.)

TRANSFER \$3,000,000 TO VETERANS POST-WAR REHABILITATION

AN ACT

Transferring to the veterans post-war rehabilitation reserve fund the sum of three million dollars and declaring an emergency.

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

§ 1.] The sum of three million dollars shall be transferred to the veterans post-war rehabilitation reserve fund out of monies in the state treasury not otherwise appropriated.

§ 2.] Such fund shall be expended as directed and appropriated by the legislative assembly for the sole purpose of financing in whole or in part, the cost of a state post-war

rehabilitation program, for the benefit of veterans of World War II, at such time and under such conditions as the legislative assembly shall, by other laws prescribe.

§ 3.] Such fund shall be kept separate and apart from other funds. The state treasurer, subject to the approval of the industrial commission, shall invest all or any part of the fund in such securities as are legal for the investment of state funds, including bonds and securities of the United States.

§ 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 14, 1947.

CHAPTER 107

H. B. No. 95

(Allen, Anderson, Arndt, Brickner, Fitch, Hanson, Johnson, Locken, Rudolf, Schuler, Severson, Starck, Wadeson, Wambheim and Welk.)

TRANSFER INTEREST TO POST-WAR REHABILITATION FUND TO VETERANS AID FUND

AN ACT

Providing for the transfer of interest and income of the post-war rehabilitation fund to the veterans' aid fund for loans to veterans and making such interest and income a permanent revolving fund which shall not revert to the general fund.

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

§ 1.] On the first day of July of each year, the interest and income accumulated from the post-war rehabilitation fund shall be paid into and become a part of the veterans' aid fund created under Chapter 37-14 of the North Dakota Revised Code of 1943 as amended.

§ 2.] Such interest and income shall be a permanent revolving fund of the veterans' aid fund and shall not revert to the general fund, and shall be used for the purpose of making loans to any veteran of the armed forces of the United States in World War II, who has not been dishonorably discharged, as provided for under Chapter 37-14 of the North Dakota Revised Code of 1943 as amended.

Approved March 3, 1947.

BANKS AND BANKING

CHAPTER 108

S. B. No. 2

(Brant for Legislative Research Committee at the request of Office of State Examiner.)

LIQUIDATION INVESTMENTS IN AGRICULTURAL CREDIT CORPORATIONS

AN ACT

To repeal Section 6-0340 of the North Dakota Revised Code of 1943 relating to investment of banks in capital stock of agricultural credit corporations, prescribing the time in which banks may dispose of and liquidate their investments in such corporations; prescribing the duty of the state examiner in connection therewith; prescribing penalties for violations of this Act and repealing all acts and parts of acts in conflict herewith.

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

§ 1. REPEAL.] That Section 6-0340 of the North Dakota Revised Code of 1943 be and the same is hereby repealed.

§ 2. LIQUIDATION OF INVESTMENTS IN AGRICULTURAL CREDIT CORPORATIONS.] Each and every state bank having an investment in the capital stock of an agricultural credit corporation shall within three years after the effective date of this Act dispose of and liquidate all of its investments, equities, and interest in the capital stock of any agricultural corporation. Any settlement, agreement, or understanding had between a bank and an agricultural credit corporation with reference to the disposal and liquidation of the investment of such bank in the capital stock of such agricultural credit corporation shall be disclosed and reported to the state examiner, and no such settlement, agreement, or understanding shall be valid without the approval of the state examiner.

§ 3. PENALTY FOR VIOLATION OF THIS ACT.] Any director, officer, or employee of a bank violating the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred 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, in the discretion of the court.

§ 4. REPEAL OF CONFLICTING PROVISIONS OF LAW.] All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved February 27, 1947.

CHAPTER 109

S. B. No. 3

(Brant for Legislative Research Committee at the request of Office of State Examiner.)

BANK OF NORTH DAKOTA EXAMINATION AND REPORTS BY STATE EXAMINER

AN ACT

To amend and reenact Section 6-0929 of the North Dakota Revised Code of 1943 relating to examinations and reports of the Bank of North Dakota.

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

§ 1. AMENDMENT.] That Section 6-0929 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0929. STATE EXAMINER TO MAKE EXAMINATIONS AND REPORTS.] The state examiner, personally or through deputy examiners, shall visit the banking department of the Bank of North Dakota at least once annually, and shall inspect and verify the assets in its possession and under its control with sufficient thoroughness to ascertain with reasonable certainty whether the valuations are carried correctly on its books. He shall investigate its methods of operation and accounting. He shall report the results of each such examination and investigation to the industrial commission as soon as practicable, and shall furnish one copy to the legislative assembly at its next ensuing session upon request.

Approved February 27, 1947.

CHAPTER 110

H. B. No. 3

(Langley and Legislative Research Committee
at the request of Bank of North Dakota.)

BANK OF NORTH DAKOTA INTEREST RATES, TIME DEPOSITS,
LIMITATIONS, CHARGES

AN ACT

Amending and reenacting Section 6-0912 of the North Dakota Revised Code of 1943 relating to interest rates, time deposits, service charges and classifications and limitations thereof fixed and imposed by the industrial commission on the Bank of North Dakota, repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 6-0912 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

6-0912. INTEREST RATES FIXED BY COMMISSION; TIME DEPOSITS; LIMITATIONS; CHARGES FOR SERVICES.] The industrial commission, unless otherwise limited by law, from time to time shall fix the rates of interest allowed and received in transactions of the Bank. Such rates shall be as nearly uniform and constant as practicable, and shall not be fixed or changed to work any discrimination against or in favor of any person or corporation. In respect to time deposits received by the Bank, transactions may be reasonably classified as to the amounts and the duration of time involved, and a reasonable differentiation of interest rates based on such classification may be allowed. When interest is allowed on any deposits the interest rate thereon shall not be more than six per centum per annum. The industrial commission also shall fix reasonable charges, without unjust discrimination, for any and all services rendered by the Bank.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. 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 1, 1947.

CHAPTER 111

S. B. No. 125—(Lofthus)

**CREDIT UNIONS—LOANS, SECURITY, MEETINGS CREDIT
COMMITTEE****AN ACT**

To amend and reenact Section 6-0614 of the North Dakota Revised Code of 1943; relating to loans made by credit unions; how made; security; meetings and duties of credit committee.

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

§ 1. AMENDMENT.] That Section 6-0614 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

Approved March 15, 1947.

CHAPTER 112

S. B. No. 13

(Brant for Legislative Research Committee at the
request of Office of State Examiner.)

DIRECTORS—QUALIFYING SHARES; ISSUE AND TRANSFER

AN ACT

To amend and reenact Section 6-0303 of the North Dakota Revised Code of 1943 providing for director's qualifying shares; restricting transfers and providing exemptions from levy.

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

§ 1. AMENDMENT.] That Section 6-0303 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

6-0303. DIRECTORS: QUALIFYING SHARES; ISSUE AND TRANSFER.] Every director must own in his own right, free from hypothecation or pledge for any debt, at least ten shares of the capital stock of the association of which he is a director, and ten shares shall be known as director's qualifying shares. Such shares shall be issued in a separate certificate which shall have legibly marked in ink across the face thereof the words: "director's qualifying shares," and shall be sent with the director's oath of office to the state examiner, and shall remain in the custody of the examiner during the whole time that such director shall continue in office. Such shares shall not be subject to transfer, pledge, or hypothecation, or to garnishment, attachment or execution in any action or proceeding against a director, in any manner or to any extent whatsoever until a written resignation of the director shall have been filed with and accepted by the board of directors of the association, or until the director otherwise becomes disqualified, and any director who ceases to be the owner of ten shares of free and nonhypothecated stock of the association shall vacate his office. Upon the resignation or disqualification of any director, his qualifying share shall be returned to him, and, on demand, shall be reissued in the name of the owner, his assigns, or legal representative.

Approved February 27, 1947.

CHAPTER 113

S. B. 159—(Rue, Braun, Shure and Bridston)

**LOANS AND INVESTMENTS INSURED OR GUARANTEED BY U. S.
OR ITS INSTRUMENTALITIES: EXCEPTION FROM RESTRICTIVE
PROVISIONS****AN ACT**

To amend and reenact Section 6-0347 and Section 6-0350 of the North Dakota Revised Code of 1943 relating to loans and investments of banks, savings banks, trust companies, building and loan associations and insurance companies, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 6-0347 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 6-0347. LOANS AND INVESTMENTS INSURED OR GUARANTEED IN ANY MANNER IN PART OR IN FULL BY THE UNITED STATES OR ANY INSTRUMENTALITY THERE OF, OR BY THIS STATE OR ANY INSTRUMENTALITY THEREOF.] Banks, savings banks, trust companies, the Bank of North Dakota, building and loan associations and insurance companies are authorized:

1. To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are insured by or guaranteed in any manner in part or in full by the United States or any instrumentality thereof or by this state or any instrumentality thereof, or for which there is a commitment to so insure or guarantee, or for which a conditional guarantee has been issued, and to obtain such insurance or guarantee; and
2. To make any loans secured by liens on real property or on a leasehold therein which is insured by or guaranteed in any manner in part or in full by the United States or any instrumentality thereof, or by this state or any instrumentality thereof, or for which there is a commitment to so insure or guarantee, or for which a conditional guarantee has been issued, and to obtain such insurance or guarantee.

§ 2. AMENDMENT.] Section 6-0350 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0350. LOANS AND INVESTMENTS INSURED OR GUARANTEED IN ANY MANNER IN PART OR IN FULL BY THE UNITED

STATES OR ANY INSTRUMENTALITY THEREOF, OR BY THIS STATE OR ANY INSTRUMENTALITY THEREOF; EXCEPTED FROM RESTRICTIVE PROVISIONS.] No law of this state requiring security upon which loans or investments may be made, or limiting the making of loans to shareholders or members of the lender, or prescribing the nature, amount or forms of such security, or prescribing or limiting interest rates upon loans or investments, or prescribing or limiting the period for which loans or investments may be made, shall be deemed to apply to loans or investments made pursuant to Section 6-0347 as amended by this Act, and Sections 6-0348 and 6-0349.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 22, 1947.

CHAPTER 114

S. B. No. 282—(Delayed Bills Committee)

BANK STOCK HELD BY DECEDENTS—REPEAL DUTIES COUNTY JUDGE, STATE EXAMINER, BANK OFFICERS AND RECEIVERS

AN ACT

To repeal Section 6-0808 of the North Dakota Revised Code of 1943, relating to the duty of the county judge, state examiner, bank officers and receivers when bank stock is held by decedent.

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

§ 1. REPEAL.] That section 6-0808 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 21, 1947.

CHAPTER 115

S. B. No. 234—(Brunsdale, Day, Stucke and Reinke)

**TERMINATION RECEIVERSHIPS INSOLVENT BANKS
BY STATE EXAMINER****AN ACT**

To require the state examiner to terminate individual receiverships; providing for the disposition of unclaimed dividends and investment of other moneys paid to state examiner on general receiverships; providing for charges and fees that may be charged by state examiner; creating a "closed bank fund"; providing additional compensation for state examiner and his deputy; making an appropriation and declaring an emergency.

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

§ 1. STATE EXAMINER TO TAKE ACTION FOR TERMINATION OF INDIVIDUAL RECEIVERSHIPS.] In order to expedite the termination and closing of the receiverships of insolvent banks, commonly known as "individual receiverships" which were not placed under the general receivership now terminated, or which were withdrawn from such receivership, the state examiner shall proceed to investigate the affairs of each such individual receivership which has not been terminated and the receivers thereof discharged by appropriate action of the district court having jurisdiction over such receivership, and to make an examination and audit of each such receivership, and make a report of his findings to the receivers and to the district court under whose jurisdiction the receivership is operated. Such report shall contain a detailed inventory of the assets of the receivership together with an estimate of the cash value of each asset item and a detailed list of all of the liabilities of such receivership. The examiner shall further include in such report his recommendations as to what action should be taken for liquidation of the remaining assets of the receivership and winding up of its affairs. The state examiner shall aid and assist the receivers and trustees of the respective receiverships and the district courts in formulating plans for disposing of the remaining assets of the receiverships, distribution of funds to creditors, and closing the receiverships.

§ 2. DISPOSITION OF UNCLAIMED DIVIDENDS DELIVERED TO STATE EXAMINER.] Whenever any unclaimed dividend delivered to the state examiner by the receiver of an insolvent bank pursuant to the provisions of Section 6-0738 of the North Dakota Revised Code of 1943, shall have remained in the possession of the state examiner for a period of fifteen years from the date of delivery to said examiner, it shall be paid to

the state treasurer who shall credit such payments to the closed bank fund. Any unclaimed dividends credited to such fund may thereafter be paid to the lawful owner thereof, his heirs, executors, administrators, or assigns when proven to the satisfaction of the state examiner that he is legally entitled thereto. Such payment shall be made by a warrant drawn by the state auditor and issued in payment of a claim voucher certified to by the claimant and approved by the state examiner.

§ 3. DISPOSITION OF OTHER MONEYS PAID TO THE STATE EXAMINER BY RECEIVERS OF INSOLVENT BANKS.] All moneys paid to the state examiner by the receivers of insolvent banks, except unclaimed dividends, shall be retained by the state examiner, until he shall have paid over to the state treasurer all unclaimed dividends as provided in Section 2 of this Act, and shall then be paid to the state treasurer for credit to the permanent common school fund.

§ 4. FEES AND CHARGES THAT MAY BE MADE BY STATE EXAMINER.] The state examiner may make such charges and exact such fees as may be reasonable and equitable for the execution of deeds, satisfactions, assignments or other documents required for the purpose of transferring undistributed assets or for the purpose of correcting public records and quieting title to property in which the insolvent bank has or has had an apparent interest. Such charges and fees shall be paid to the state treasurer and by him be credited to the closed bank fund.

§ 5. INVESTMENT OF MONEYS IN THE HANDS OF THE STATE EXAMINER.] Moneys remaining in the hands of the state examiner may be invested by the state examiner in bonds of the United States government or bonds of the state of North Dakota or he may deposit such moneys in the Bank of North Dakota and the earnings from the interest on such investments or deposit shall be paid to the state treasurer and by him be credited to the closed bank fund.

§ 6. ADDITIONAL COMPENSATION FOR STATE EXAMINER AND DEPUTY: EQUIPMENT AND OTHER EXPENSES.] The State examiner and his chief deputy examiner shall each be compensated in the amount of six hundred dollars per annum for services rendered in the administration of this Act. Such compensation shall not be considered as violating the limitations imposed on the salaries of said officers by the provisions of Sections 6-0111, 6-0116 and 54-0607 of the North Dakota Revised Code of 1943. The state examiner may secure such additional equipment and incur such expenses as may be necessary to carry out the provisions of this Act.

§ 7. "CLOSED BANK FUND" CREATED.] There is hereby created the fund to be known as the "closed bank fund" in the office of the state treasury for the purposes specified in this Act.

§ 8. APPROPRIATION.] There is hereby appropriated out of any moneys in the closed bank fund not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary to carry out the provisions of this Act, from the effective date thereof through June 30, 1949. Such appropriation in no case shall exceed the income derived from the fees and charges provided for in Section 4 of this Act and from the investment or deposit of such moneys as provided in Section 5 of this Act.

§ 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 11, 1947.

BUILDING AND LOAN ASSOCIATIONS

CHAPTER 116

S. B. No. 203—(Bridston and Shure)

REPAYMENT BUILDING AND LOAN ASSOCIATION LOANS

AN ACT

To amend and reenact Section 7-0417 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 2 of Chapter 145 of the Session Laws of North Dakota for the year 1945, pertaining to loans made by building and loan associations.

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

§ 1. AMENDMENT.] That section 7-0417 of the North Dakota Code of 1943 as amended and reenacted by section 2 of Chapter 145 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

7-0417. REPAYMENT OF LOANS.] A share holder may repay at any time any loan made to him by an association by paying the principal due thereon less the withdrawal value of the shares transferred as security therefor, the interest accrued at the date of such repayment, and all sums advanced by the association for taxes, assessments, insurance premiums, maintenance, repairs, modernization, and improvements, with interest thereon and in addition thereto:

1. Interest on the principal repaid for a period of three months after the day of repayment, or any such borrowing member may pay upon any such loan a sum equal to the matured value of one or more of the installment shares transferred and pledged as security therefor, upon the same proportionate terms as are provided in this section for payment in full;
2. Interest upon such principal for the whole year when so provided in the by-laws of the association, if the repayment is made at any time within one year from the date of the mortgage or other evidence of debt;
3. If any such association is in the process of voluntary liquidation, the shares of a borrowing shareholder shall be entitled to full participation in the current earnings of such association, and their value as thus determined shall be applied upon the indebtedness of such member; and
4. If any such association is in the process of involuntary liquidation, the minimum value of the shares owned by the borrowing shareholder, after allowing for all possible losses and the expenses of liquidation, may be allowed in the reduction of his indebtedness, and he shall be entitled to receive his proportionate share of any further sums that thereafter may be realized from the assets of such association. Nothing in this section shall be construed to prevent the reduction of any such association's liability to its members, in accordance with section 7-0420.

Approved March 20, 1947.

CONSTITUTIONAL AMENDMENTS

Proposed

CHAPTER 117

Senate Concurrent Resolution No. 13—(Loftus)

EQUAL RIGHTS FOR WOMEN—AMENDMENT U. S. CONSTITUTION

A Concurrent Resolution memorializing the congress of the United States to propose an amendment to the constitution of the United States of America, endorsing equal rights for women.

*Be It Resolved By the Senate of the State of North Dakota,
the House of Representatives Concurring Therein:*

WHEREAS, the women of America have shared equally with men in the hardships and sacrifices incident to the building of this nation, and,

WHEREAS, they have shared equally in the pain and distress which have been involved in the maintenance of the American republic and the ideals of free government against the aggression of tyrants and have participated, and are today participating, in the battles precipitated by the enemies of freedom, and,

WHEREAS, this nation was "conceived in liberty and dedicated to the proposition that all men are created equal," and such declaration has no actual or implied limitations on equality before the law by reason of sex, and,

WHEREAS, the rights of women before the law are much abridged in many states, and this legal discrimination on the basis of sex constitutes an intolerable burden upon thousands of women who are solely dependent upon their own efforts for their livelihood, and is a source of irritation to many thousands of others who recognize this discrimination a flat contradiction of the American principle of equality, wholly out of accord with the status of American women, which they

have reached by their achievements in other fields of human endeavor, and,

WHEREAS, there are today, nine hundred and eighty-five thousand more women than men in this country and women have served this country in time of war as well as in peace, equally well with men in every field of work,

THEREFORE, BE IT RESOLVED, that the Senate and House of Representatives pass the following resolution and the amendment as follows:

"EQUAL RIGHTS AMENDMENT"

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Congress and the several states shall have the power within the respective jurisdictions, to enforce this article by appropriate legislation.

This amendment shall take effect three years after the date of ratification."

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the House of Representatives, and to each member of Congress elected from the State of North Dakota.

Filed March 10, 1947.

CHAPTER 118

House Concurrent Resolution H—(Hofstrand, Leet, Lavin, Bymers and Graham)

MUNICIPAL LIQUOR STORES

A Concurrent Resolution Providing for an Amendment to the Constitution of the State of North Dakota, Permitting Municipal Liquor Stores.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following 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 next genral election, in accordance

with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended:

§ 1. AMENDMENT.] Any city or incorporated village in this state may own, operate and maintain a municipal liquor store or stores within their corporate limits for the sale of intoxicating liquor whenever such city or incorporated village has been authorized by a majority vote of their qualified electors, voting upon such question, pursuant to such regulations and restrictions as may be prescribed by law.

This amendment shall be self-executing, but laws may be enacted to facilitate its operation.

Filed February 28, 1947.

CHAPTER 119

Senate Concurrent Resolution No. 12—(Stucke and Drew)

NORTH DAKOTA STATE MEDICAL CENTER TAX LEVY

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.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following amendment to the Constitution of 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 General Election to be held in November, 1948, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota as amended.

§ 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.

§ 2. This amendment shall be self-executing, but legislation may be enacted to facilitate its operation.

Filed March 10, 1947.

CHAPTER 120**Senate Concurrent Resolution No. 1—(Bridston, Krenz and Rue)**

POST WAR REHABILITATION TAX LEVY

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.

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 general election in November, 1948, in accordance with the provisions of Section 202 of the North Dakota constitution.

§ 1. Upon the adoption of this amendment to the constitution, the state of North Dakota shall annually, for ten consecutive years and no longer, levy, as other state taxes are levied, not to exceed two mills upon all the taxable property within the state of North Dakota, which, when collected, shall be covered into the state treasury to the credit of the post-war rehabilitation reserve fund, to be expended as the legislative assembly shall direct. This special levy shall be in addition to and apart from the state levy provided for in Section 174 of the constitution. Provided, however, that no further levies shall be made hereunder and this amendment shall become inoperative before the expiration of the ten year period, when and if the total sum of ten million dollars shall have been credited to the post-war rehabilitation reserve fund from this levy.

§ 2. This amendment shall be self executing and no legislation shall be necessary to carry out its provisions.

Filed March 10, 1947.

CHAPTER 121

Senate Concurrent Resolution No. 8—(Bridston, Reinke, Krenz, Work, Stucke and Nordhougen)

STATE INSTITUTIONAL BUILDING FUND TAX LEVY

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.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following amendment to the constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of North Dakota for approval or rejection in accordance with the provisions of section 202 of the constitution.

§ 1.] In addition to the four mill levy authorized by section 174 of the constitution, the state board of equalization is authorized and directed annually to levy four mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment as finally computed for the levy of state and county taxes, for the purpose of creating a fund, subject to appropriation by the legislative assembly, for the construction of, and for improvements and additions to, buildings of state penal, charitable, and educational institutions. Whenever the amount of such fund shall be five million dollars, no further levy shall be made, unless and until such fund shall have been decreased by appropriation, and in each year in which said fund shall have been reduced below five million dollars, a levy of four mills, or so much thereof as may be necessary to restore the amount of such fund to five million dollars, shall be made by said board. This section shall be self-executing and no legislation shall be required to carry out its provisions.

Filed March 10, 1947.

CHAPTER 122

House Concurrent Resolution Q—(Bubel and Smart)

SALARY AND TRAVEL EXPENSES STATE ELECTIVE OFFICERS AND MEMBERS N. D. LEGISLATIVE ASSEMBLY

A Concurrent Resolution for an amendment to the Constitution of the State of North Dakota authorizing the legislative assembly to fix the compensation and expenses of the elective officers of the state and of the members of the legislative assembly, and repealing section 45 and section 84 of the constitution of the State of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therin:

That the following proposed amendment to the constitution of the state of North Dakota is agreed upon and that the same be submitted to the qualified electors of the state of North Dakota for approval or rejection at the next general election in accordance with the provisions of Section 202 of the constitution of the state of North Dakota, as amended.

§ 1. AMENDMENT.] The legislative assembly of the state of North Dakota by a two-thirds vote of all the members elected to each branch thereof, at any regular session, may fix the salary and provide for travel and other expenses of all constitutional officers, including the members of the legislative assembly.

In fixing any such salary and providing for travel and other expenses, the legislative assembly shall fix the effective date of such legislation.

§ 2. REPEAL.] Section 45 and Section 84 of the constitution of the state of North Dakota are hereby repealed.

Filed March 10, 1947.

CHAPTER 123

House Concurrent Resolution X—(Committee on Veterans and Military Affairs.)

BOND ISSUE WORLD WAR II ADJUSTED COMPENSATION

A concurrent Resolution providing for the issuance, sale, and delivery of bonds of the State of North Dakota not to exceed the sum of 27,000,000.00 to be used in the payment of an adjusted compensation to North Dakota veterans of World War II.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

The following amendment to the constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of North Dakota for approval or rejection at the primary election in June, 1948, in accordance with the provisions of Section 202 of the North Dakota constitution.

§ 1.] The constitution of the state of North Dakota shall be amended by adding thereto the following article:

ARTICLE 58

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.

Filed March 10, 1947.

CORPORATIONS

CHAPTER 124

S. B. No. 16

(Brant for Legislative Research Committee
at the request of Office of State Examiner)

SECURITIES EXEMPTED FROM SUPERVISION OF ISSUE AND SALE

AN ACT

To amend and reenact Section 10-0403 of 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.

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

§ 1.] That Section 10-0403 of the North Dakota Revised Code of 1943 be 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, and 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, 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 informative statement made to or filed with any commission, board, or body of the United States or of any state, territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof, by which said corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its securities, and shall pay a filing fee of twenty-five dollars;

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 Subsections 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 commis-

sion 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 authorized to do business in this state;
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 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 remains in effect.

Approved March 10, 1947.

COUNTIES

CHAPTER 125

S. B. No. 265—(Feton)

COUNTY COMMISSIONERS AUTHORIZED TO CONSTRUCT MEMORIALS

AN ACT

To give county commissioners authority to erect memorials or other suitable recognition in commemoration of those of the county who rendered service or who lost their lives in the service of their country in World War I and World War II; to create a memorial fund; and to make a levy therefor; to join with cities, school districts or other governmental agencies in the construction and operation of the same.

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

§ 1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION: TO MAKE A LEVY.] The board of county commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition, in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II, or solely during World War II, and may for each purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may after the taking effect of this act and annually thereafter for a period of five years levy a tax not in excess of four mills on the dollar in any one year upon the assessed valuation of all property in the county, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition; provided, however, that nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable

recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial, or memorials, or other suitable recognition, and the funds so raised are unexpended, the board of county commissioners may at any time by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. A MEMORIAL FUND CREATED: HOW EXPENDED.] Funds provided to be raised in accordance with the last section shall be designated as the memorial fund, and shall be kept separate and distinct from other moneys by the county treasurer and shall be expended by and under the directions and control of the board of county commissioners.

§ 3. MAY JOIN WITH CITIES, SCHOOL DISTRICTS AND OTHER GOVERNMENTAL 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 governmental 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.

Approved March 21, 1947.

CHAPTER 126

S. B. No. 9

(Senator Brant for Legislative Research Committee
at the request of Office of State Examiner)

**MILEAGE AND EXPENSES COUNTY COMMISSIONERS IN
CERTAIN CASES****AN ACT**

To amend and reenact Chapter 157 of the Session Laws of North Dakota for the year 1945, authorizing county commissioners to charge and collect mileage and expenses in certain cases.

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

§ 1. AMENDMENT.] That Chapter 157 of the Session Laws of North Dakota for the year 1945, be amended and reenacted to read as follows:

§ 1. COMMISSIONERS MAY COLLECT MILEAGE FOR DAILY TRAVEL BETWEEN PLACE OF RESIDENCE AND COUNTY SEAT, OR IN LIEU THEREOF CERTAIN OTHER EXPENSES.] A county commissioner may charge and receive for his expenses while attending meetings of the board of county commissioners of which he is a member according to one of the following methods:

1. If the meeting is more than one day's duration, he may charge for and collect mileage for each mile actually traveled;
2. In lieu of such mileage, he may collect and receive the sum of two dollars per day; and
3. No county commissioner residing within the corporate limits of the county seat may charge for and collect mileage or other sums in lieu thereof for attending any meeting of the board of county commissioners of which he is a member.

Approved February 10, 1947.

CHAPTER 127**S. B. No. 12**

(Senator Brant for Legislative Research Committee
at the request of Office of State Examiner)

**SALARIES COUNTY COMMISSIONERS
AN ACT**

To amend and reenact Subsection 3 of Section 11-1010 of North Dakota Revised Code of 1943, fixing the salary of county officers.

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

§ 1. AMENDMENT.] That Subsection 3 of section 11-1010 of North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1010. SALARIES OF COUNTY OFFICERS.] Each county commissioner shall be allowed the sum of six dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, and actual living expenses not to exceed the sum of five dollars per day for board and lodging while performing official duties outside of the county of which he is a resident and within the state of North Dakota, and not to exceed the sum of seven dollars per day for board and lodging while performing official duties outside of the state of North Dakota, 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 not in excess of the amounts provided by Section 54-0609 of North Dakota Revised Code of 1943 while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, upon itemized statement 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 North Dakota Revised Code of 1943, the same to be paid out of the general fund of the county, but in counties having a population of eight thousand or less, the total compensation and expenses including per diem, board and lodging and transportation expense received by any member of the board of county commissioners shall not exceed the sum of nine hundred dollars for any fiscal year, provided that for the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any state-wide meeting of the North Dakota county commissioners association, such attendance at

said meeting shall be considered the performance of an official duty within the meaning of this section.

Approved March 6, 1947.

CHAPTER 128

S. B. No. 119

(Brant, Bridston, Rue, Thatcher, Sandness and Stucke)

SALARIES COUNTY OFFICERS

AN ACT

To increase the salaries of county auditors, county treasurers, sheriffs, county superintendents of schools, registers of deeds, county judges, state's attorneys, and clerks of the district court during the calendar years 1947, 1948, 1949, and 1950, making such increase retroactive to January 1, 1947, and declaring an emergency.

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

§ 1. That for the calendar years of 1947, 1948, 1949, and 1950, 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:

- A. Two thousand dollars in counties having a population not exceeding five thousand;
- B. Two thousand one hundred dollars in counties having a population exceeding five thousand and not exceeding six thousand;
- C. Two thousand two hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
- D. Two thousand three hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
- E. In counties having a population in excess of eight thousand the sum of two thousand four hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;

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

§ 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, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said section during the calendar years 1947, 1948, 1949, and 1950, and those years only.

§ 3. ACT RETROACTIVE TO JANUARY 1, 1947.] The provisions of this Act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1947.

§ 4. 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 February 27, 1947.

CHAPTER 129

S. B. No. 136—(Day)

SALARIES COUNTY SUPERINTENDENTS OF SCHOOLS

AN ACT

Fixing salaries of county superintendents of schools, 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:

§ 1. SALARIES.] From and after the passage and approval of this act the salaries of county superintendents of schools shall be as follows:

- (a) Two thousand two hundred dollars in counties having a population not exceeding five thousand;
- (b) Two thousand three hundred dollars in counties having a population exceeding five thousand and not exceeding six thousand;

- (c) Two thousand four hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
- (d) Two thousand five hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
- (e) In counties having a population in excess of eight thousand the sum of two thousand six hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;
- (f) In no case shall the maximum of such compensation exceed the sum of three thousand two hundred dollars.

§ 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, but shall be construed as authorizing additional compensation to the schedule of salaries provided in any other law during the calendar year 1947, 1948, 1949, and 1950, and those years only.

§ 3. ACT RETROACTIVE TO JANUARY 1, 1947.] The provisions of this Act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1947.

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

Approved March 15, 1947.

CHAPTER 130

S. B. No. 118—(Strelbel)

SHERIFF'S FEES BOARDING PRISONERS

AN ACT

To amend and reenact Subdivision 21 of Section 11-1507 of the North Dakota Revised Code of 1943, relating to the sheriff's fees for boarding prisoners, and declaring an emergency.

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

§ 1. AMENDMENT.] That subdivision 21 of Section 11-1507 of the North Dakota Revised Code of 1943 be amended

and reenacted to read as follows:

21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall in no case exceed two dollars per day.

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

Approved February 27, 1947.

CRIMES AND PUNISHMENTS

CHAPTER 131

S. B. No. 228—(Shure)

GENERAL POWERS BOARD OF PARDONS

AN ACT

To amend and reenact Section 12-5510 of the North Dakota Revised Code of 1943, relating to the general powers of the board of pardons.

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

§ 1. AMENDMENT.] That Section 12-5510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5510. GENERAL POWERS OF BOARD OF PARDONS.] The board of pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matters pending before said board. If any such person or officer disobeys the order of the board, the chairman, or acting chairman, of such board, may apply to any judge of the district court for an order requiring the attendance of such person or officer, with or without books and papers described in the process. The failure of any such person or officer to comply with such order of the district court shall be held to be a contempt of court and shall be punishable accordingly. Any member of the board of pardons, the parole officer, or anyone appointed by the board to secure informa-

tion for said board, shall have the power to examine witnesses and records, and to administer oaths to witnesses. Any witness testifying falsely after the oath has been administered to him shall be guilty of perjury and shall be punished accordingly. It may employ psychiatrists or specialists for mental or medical examination of applicants before the board, and may take such reasonable steps as it may deem necessary for proper determination of any matters before it. Subject to the taking effect of the provisions of Chapter 56 of this title, the board of pardons may make reciprocal arrangements with parole officers of other states for the parole of prisoners and juvenile delinquents beyond state lines.

Approved March 20, 1947.

CHAPTER 132

S. B. No. 186—(Committee on General Affairs)

BURIAL EXPENSE INMATES PENITENTIARY AND TRAINING SCHOOL

AN ACT

To amend and reenact Section 12-4506 of the North Dakota Revised Code of 1943, relating to burial expense of persons confined in the penitentiary or the state training school.

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

§ 1. AMENDMENT.] That Section 12-4506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-4506. EXPENSES OF INQUEST: REPORT OF OFFICER; PAYMENT; BURIAL EXPENSE LIMITED.] The officer holding the inquest shall make an itemized statement and report, verified by his oath, showing in detail the expenses of the inquest and for what and to whom all items of fees, services, or supplies are payable. The fees of the officer holding the inquest and of the jurors, witnesses, and physicians shall be the same as in other cases of inquest, but no officer or inmate of the penitentiary or state training school shall be entitled to any fee or other allowance on account of any service rendered at the inquest. The expense of the burial of the body, exclusive of the fees allowed by law to officers, jurors, physicians, and witnesses shall not exceed the sum of seventy-five dollars. All claims arising out of such inquest shall be audited and separate warrants shall be drawn upon the state treasurer for the

amount allowed to each person named in the statement and report of the officer conducting the inquest, and the warrants shall be paid out of the state treasury.

Approved March 20, 1947.

CHAPTER 133

H. B. No. 53—(Langley and Legislative Research Committee)

PROHIBITING CERTAIN FEDERAL AND RELATED NAMES ALSO MISLEADING TRADE PRACTICES; PENALTIES

AN ACT

To prohibit the use of certain federal and related names and certain misleading trade practices; and prescribing penalties for the violation thereof and providing for injunctive relief.

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

§ 1. PROHIBITING USE OF CERTAIN FEDERAL AND RELATED NAMES IN SALE OF MERCHANDISE.] No person, firm, corporation, or association, not an agency or instrumentality of the United States government, selling or offering for sale goods, wares or merchandise, shall use or cause or permit to be used in the corporate or trade name, or description of the seller or of the place where the goods, wares or merchandise are offered for sale, any of the following words or expressions, viz., "Army," "Navy," "Marine Corps," "Marines," "Coast Guard," "Government," "Post Exchange," "P-X," or "G.I."; or any word or expression which may lead the public to believe that the seller or the place is owned, operated or managed by the United States government or its military or naval forces or any agency of the United States government.

§ 2. REPRESENTATION THAT ARTICLE HAS FEDERAL RELATIONSHIP, PROHIBITED.] No person, firm, corporation, or association selling or offering for sale any article of merchandise in any manner, shall represent, contrary to the fact, that the article was made for, or acquired directly or indirectly from, the United States government or its military or naval forces or any agency of the United States government, or that the article conforms to government specifications or requirements, or that it has been disposed of by the United States government.

§ 3. PENALTY.] Any person, firm, or corporation or

association violating any provisions of this Act shall be guilty of a misdemeanor.

§ 4. INJUNCTION.] In addition to the penalties provided in this Act, the courts of this state are invested with the jurisdiction to prevent and restrain violations of this Act by injunctive proceedings. The attorney general and the several state's attorneys shall institute suits in equity in behalf of this state, to prevent and restrain violations of the provisions of this Act. Any person damaged, or who is threatened with loss or injury, by reason of a violation of the provisions of this Act, shall be entitled to sue for and have injunctive relief in the district court against any damage or threatened loss or injury by reason of a violation hereof.

Approved March 14, 1947.

CHAPTER 134

S. B. No. 225—(Shure)

SUSPENSION OF IMPOSITION OF SENTENCES, DISMISSAL OF INFORMATION OR INDICTMENT IN CERTAIN CASES

AN ACT

Relating to crimes, permitting suspension of imposition of sentences, dismissal of information or indictment in certain cases; and declaring an emergency.

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

§ 1. When a defendant has been found guilty of a misdemeanor or felony for the first time either by plea or verdict of guilty, the court upon application or its own motion may, in its discretion, suspend the imposing of the sentence and may direct that such suspension continue for a definite period of time, not exceeding five years, and upon such terms and conditions as it shall determine.

§ 2. In such event the court shall place said defendant under the control and management of the board of pardons, subject to the same rules and regulations as apply to persons placed on probation under suspended sentence as provided in chapter 12-53 of the North Dakota Revised Code of 1943. The board of pardons shall assume and undertake the supervision of said probationer, promulgating rules and regulations for the conduct of such person during the term of his

probation. The court may designate the clerk of district court, the sheriff, the state's attorney, or any other person to act as sponsor for the defendant. It shall be the duty of the sponsor to assist the probationer in making his monthly reports to the board of pardons, to report any violations, and to counsel and direct said probationer whenever possible.

§ 3. Whenever the board of pardons shall have reason to believe such defendant is violating the terms of his probation, such probationer shall be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may re-arrest the probationer without warrant or other process. The court may thereupon, in its discretion, without notice revoke and terminate such probation, pronounce judgment, and deliver defendant to the sheriff to be transferred to the penitentiary or other state institution in accordance with the sentence imposed.

§ 4. If, after suspension of imposition of sentence, such probationer leaves the jurisdiction prior to the expiration of his probationary period without permission of the court or the board of pardons, he shall be deemed an escapee and a fugitive from justice.

§ 5. The court shall have authority at any time during the course of probation to (1) revoke, modify or change its order of suspension; (2) it may at any time, when the ends of justice will be served thereby, and when the reformation of the probationer shall warrant, terminate the period of probation and discharge the person so held.

§ 6. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time be permitted in the discretion of the court to withdraw his plea of guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may dismiss the information or indictment against such defendant, who shall then be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The clerk of the district court shall file all papers, including the findings and final orders in proceedings had hereunder and shall note the date of filing on the papers. The records and papers shall be subject to examination by said clerk, the judges of the court, the juvenile commissioner, and the state's attorney. Others may examine such records and papers only upon the written order of one of the district judges.

§ 7. In any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or information or indictment dismissed.

§ 8. 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 20, 1947.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 135

H. B. No. 330—Brickner and Starck)

ADOPTION—WHO MAY PETITION DISTRICT COURT

AN ACT

To amend and reenact Section 14-1108 of the North Dakota Revised Code of 1943 relating to petitions for adoption and providing for their filing in the district court of the judicial district of petitioner's residence and eliminating provision for filing in county courts of increased jurisdiction; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 14-1108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1108. WHO MAY PETITION DISTRICT COURT FOR ADOPTION.] Any person may petition the district court in the judicial district in which he is a resident, for leave to adopt a minor child, and if desired for a change of the child's name.

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

Approved March 15, 1947.

CHAPTER 136

H. B. No. 187
(Graham, Brickner, Wadeson, Welk)

CHILD ABANDONMENT OR NONSUPPORT**AN ACT**

Amending and reenacting Section 14-0715 of the North Dakota Revised Code of 1943, Relating to Abandonment and Nonsupport of Minor Children by Parent or Other Person Legally Responsible for Their Support.

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

§ 1. AMENDMENT.] That Section 14-0715 of the North Dakota Revised Code of 1943 be, and the same is hereby amended and reenacted to read as follows:

14-0715. ABANDONMENT OR NONSUPPORT OF CHILD.] Every parent or other person legally responsible for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who wholly abandons such child or willfully fails to furnish food, shelter, clothing, and medical attention reasonably necessary and sufficient to keep the child's life from danger and discomfort and his health from injury, is guilty of a felony. The fact, if it is a fact, that either parent may have secured a decree of divorce awarding the custody of such child, in no manner shall relieve either parent from the requirements and penalty of this section, except that compliance with the terms of such decree for support of such child shall be deemed a compliance herewith; provided, however, that if the parent or other person legally responsible for the care or support of a child who is under the age of sixteen years and unable to support himself, as hereinbefore provided, while in another state, and while such minor child is in this state, wilfully and intentionally fails to furnish food, clothing, shelter, and medical attention as herein provided, such failure shall nevertheless be construed to have been committed in this state, and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state.

Approved March 15, 1947.

CHAPTER 137

H. B. No. 297

(Saller, Luick, Herk and Yirchott)

CHILD NEGLECT**AN ACT**

Declaring it a crime for any parent, guardian or custodian of a child under eighteen years of age to neglect such child or knowingly, and wilfully allowing such child to associate with disreputable persons or allowing him to engage in occupations injurious to the health or morals of such child, providing a penalty therefor, and authorizing the suspension of sentence.

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

§ 1. **NEGLECT OF CHILD.]** A parent, guardian, or other custodian of any child under the age of eighteen years who shall cruelly abuse or wilfully neglect or refuse to provide subsistence, education or other necessary care for the health, morals or well being of such child, or who shall knowingly and wilfully permit and allow any such child to be in a disreputable place or associate with vagrants, vicious or immoral persons, or engage in an occupation forbidden by the laws of North Dakota, or to engage in an occupation injurious to his health or morals or to the health or morals of others, or any such parent, guardian, or custodian who, in the supervision and control of such child, shall fail to exercise reasonable diligence in preventing such child from being in a disreputable place or from associating with vagrants, vicious or immoral persons, or from engaging in an occupation forbidden by the laws of North Dakota, or from engaging in any occupation injurious to his health or morals or to the health and morals of others shall be guilty of a misdemeanor.

§ 2. **PUNISHMENT.]** When it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, the court shall have power after conviction or after plea of guilty for the violation of this Act to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as the court may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation or may change the period of probation. The period of probation, together with any extension, shall not exceed two years.

Approved March 15, 1947.

CHAPTER 138

S. B. No. 156

(Committee on Veterans and Military Affairs)

GROUNDS FOR DIVORCE

AN ACT

To amend and reenact Subsection 7 of Section 14-0503 of the North Dakota Revised Code of 1943, relating to grounds for divorce.

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

§ 1. AMENDMENT.] That Subsection 7 of Section 14-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. Insanity for a period of five years, the insane person having been an inmate of an institution for such period, and affected with any one of the following types of insanity: paronia, paresis, dementia praecox, Huntington's chorea, or epileptic insanity. No divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians who are recognized authorities on mental diseases, one of which physicians shall be the superintendent of the state hospital for the insane, or the chief medical officer of a veterans' administration hospital or government institution within or without the State of North Dakota, the other two physicians to be appointed by the court before whom the action is pending, all of whom shall agree that such insane person is incurable. No divorce shall be granted to any person whose husband or wife is an inmate of an institution, except an United States Government hospital or institution, in any other than the state of North Dakota, unless the person applying for such divorce shall have been a resident of the state of North Dakota for at least five years.

Approved March 7, 1947.

CHAPTER 139

H. B. No. 188

(Graham, Brickner, Wadson, Welk)

WIFE ABANDONMENT OR NONSUPPORT

AN ACT

To amend and reenact Section 14-0716 of the North Dakota Revised Code of 1943, relating to abandonment and nonsupport of wife by husband, and providing a penalty therefor.

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

§ 1. AMENDMENT.] That Section 14-0716 of the North Dakota Revised Code of 1943 be, and the same is, hereby amended and reenacted to read as follows:

14-0716. ABANDONMENT OR NONSUPPORT OF WIFE.] Every husband who, without lawful excuse, deserts his wife with intent wholly to abandon her or who wilfully fails to furnish such food, shelter, clothing, and medical attention as is reasonably necessary and sufficient to keep the life of his wife from danger and discomfort and her health from injury, is guilty of a felony;

Provided, however, that if a husband while in another state and having left his wife in this state, willfully and intentionally and without lawful excuse deserts his wife and abandons her, or while in such other state, willfully and intentionally fails to furnish such food, shelter, clothing and medical attention as is reasonably necessary, as herein provided, while his wife is in this state, such abandonment and failure to support shall be construed to have been committed in this state and all of the laws of this state with reference to punishment shall apply with the same force and effect as if such abandonment and failure to support had occurred in this state and he shall be subject to the penalty as in this section provided.

Approved March 15, 1947.

EDUCATION

CHAPTER 140

H. B. No. 143

(Bymers, Erickson, Sticka)

COMPENSATION AND MILEAGE BOARD MEMBERS COMMON SCHOOL DISTRICT

AN ACT

To amend and reenact subsection 3 of section 15-2505 of the North Dakota Revised Code of 1943, relating to compensation and mileage of school board members.

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

§ 1. AMENDMENT.] That subsection 3 of section 15-2505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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;

Approved March 3, 1947.

CHAPTER 141

S. B. No. 102 (Torno)

**CLERK COMMON SCHOOL DISTRICT
DUTIES, REPORT, COMPENSATION****AN ACT**

To amend and reenact Section 15-2515 of the North Dakota Revised Code of 1943, relating to the common school district clerk, his duties, report, and compensation.

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

§ 1. AMENDMENT.] That Section 15-2515 of 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 not less than ten dollars for one school and five dollars for each additional school in the district, but such compensation shall not exceed fifty dollars in any year 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 five cents for each mile actually and necessarily traveled, but not to exceed two 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 27, 1947.

CHAPTER 142

H. B. No. 172

(Stair, Benno, Esterby, Bagge, Acheson and Fraser)

EMPLOYMENT ETC., TEACHERS COMMON SCHOOL DISTRICT

AN ACT

To amend and reenact section 15-2508 of the North Dakota Revised Code of 1943; providing for employment and dismissal of teachers by school board; providing for qualification of teachers; providing for written contract and providing a minimum salary.

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

§ 1. AMENDMENT.] That section 15-2508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2508. TEACHERS: EMPLOYMENT; DISCHARGE; QUALIFICATIONS; WRITTEN CONTRACT.] The school board shall employ the teachers of the district and may dismiss a teacher at any time for plain violation of contract, gross immorality, or flagrant neglect of duty. No person related by blood or marriage to any member of the board shall be hired as a teacher without the unanimous consent of the board. No person shall be permitted to teach in any public school who is not the holder of a teachers' certificate or a permit to teach, valid in the county or district in which the school is situated. Every contract for the employment of a teacher shall be in writing, and shall be executed before the teacher begins to teach in such school, and each such contract shall provide that in the event of the discontinuance of a school term for lack of attendance as provided in this chapter, no compensation shall be paid to the teacher from the date of such discontinuance. No teacher holding a valid first grade elementary certificate shall receive less than nine hundred dollars per school term, a teacher holding a second grade professional certificate, shall not receive less than ten hundred eighty dollars per school term, and a teacher holding a first grade professional certificate shall not receive less than thirteen hundred fifty dollars, but this section shall not require teachers holding certificates of the same grade to receive the same salaries.

Approved March 22, 1947.

CHAPTER 143

H. B. No. 28

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction)

MINIMUM TERM COMMON SCHOOL DISTRICTS

AN ACT

To amend and reenact Section 15-2509 of the North Dakota Revised Code of 1943 relating to minimum school term; discontinuance of term; arbitration.

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

§ 1. AMENDMENT.] That Section 15-2509 of 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 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 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, and the board may reopen such school at any time upon its own motion.

Approved February 11, 1947.

CHAPTER 144

S. B. No. 244 (Bridston)

ELECTIONS INDEPENDENT SCHOOL DISTRICTS

AN ACT

To amend and reenact Section 15-3102, of the North Dakota Revised Code of 1943, relating to annual and special elections in independent school districts, and to provide for the annual election to be held on the third Tuesday in April of each year, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 15-3102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3102. ANNUAL AND SPECIAL ELECTIONS; WHEN HELD; DESIGNATION OF PRECINCTS AND POLLING PLACES; APPOINTMENT OF BOARDS; NOTICE AND CONDUCT.] The annual election in each independent school district shall be held on the third Tuesday in April in each year. Upon a resolution of the board, a special election may be held at any time for any lawful purpose except for the election of officers. The board of education shall designate one precinct and polling place for each six thousand people residing in the school district as shown by the last available state or national census. Such precincts shall be arranged so as to make the number of electors in the districts as nearly equal as possible, and no precinct shall have a population in excess of six thousand residents. The polling places established in a precinct shall be located as conveniently as possible for the voters in the precinct, and a polling place once established by the board shall remain the polling place for the precinct until it is changed by subsequent action of the board. The board shall appoint two judges and two clerks for each polling place in the district. Each election shall be noticed and conducted in all respects and the votes shall be canvassed as in the case of municipal elections.

§. 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 21, 1947.

CHAPTER 145

S. B. No. 250 (Day)

PAYMENT CITY TREASURER INDEPENDENT SCHOOL DISTRICT

AN ACT

To permit the board of education of any independent school district to pay compensation to city for services of city treasurer as ex-officio school district treasurer.

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

§ 1. The board of education of any independent school district in this state may pay to the city, for the services of the city treasurer as ex-officio treasurer of such school district, such compensation as may be deemed by the board to be just and reasonable in all the circumstances, or it may contribute to or pay the compensation of any assistant who may be necessary because of the extra work involved in performing the duties of school district treasurer.

Approved March 21, 1947.

CHAPTER 146

H. B. No. 109 (Haugen)

RENEWAL TEACHERS CONTRACT

AN ACT

To provide for the method and time for renewing contracts of teachers, principals and superintendents in the public schools and institutions of higher education in the State of North Dakota, and penalty for breach of contract. Repeal.

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

§ 1.] The term "teacher" as used in this Act, shall be construed to include all teachers, principals, and superin-

tendents in all classes of school districts within this state, whether common, special, independent or organized under special law, and all persons employed in teaching in any state institution. The term "state institution" as used in this act shall include the State University of North Dakota, State Agricultural College, County Agricultural and Training Schools, State Normal Schools, State Teachers Colleges, State School of Forestry, State School of Science, North Dakota School for the Deaf, State Institution for Feeble Minded, and State Training School.

§ 2.] Any teacher who has been employed by any School District or State Board of Higher Education in this state during any school year, shall be notified in writing by the School Board, Board of Education or State Board of Higher Education, as the case may be, on or before the 15th day of April in the school year in which he or she has been employed to teach, of the Board's determination not to renew the teacher's contract for the ensuing school year, and failure to give such written notice on or before said date shall constitute an offer on the part of the Board to renew the contract for the ensuing school year under the same terms and conditions as the contract for the then current year. On or after April 15th in any year, the Board may notify all teachers of a date, which shall be not less than 15 days after the date of such notice, upon which they will be required to accept or reject such proffered re-employment, and failure on the part of the teacher to accept said offer within such time shall be deemed to be a rejection of the offer. Any teacher who shall have accepted the offer of re-employment, either by the action of the Board, or non-action of the Board on or before April 15, as herein provided, shall be entitled to the usual written contract for the ensuing school year, as provided by law.

§ 3.] Nothing in this Act shall be construed as in any manner repealing or limiting the operation of any existing law with reference to the dismissal of teachers for cause.

§ 4.] Provided that in the event of breach of contract on the part of a teacher, the superintendent of public instruction shall suspend such teacher's certificate for a period not to exceed one year, during which time it shall be unlawful for such teacher to receive payment for teaching in the public schools of North Dakota.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 22, 1947.

CHAPTER 147

H. B. No. 43

(Langley and Legislative Research Committee)

REORGANIZATION OF SCHOOL DISTRICTS

AN ACT

Relating to schools; defining terms; providing for state committee and county committees for the reorganization of school districts; defining the powers and duties of county committees and state committee; providing for school boards in reorganized school districts; prescribing duties of state and county officers; providing for appeals; making an appropriation; and providing for a saving clause.

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

§ 1. TITLE AND PURPOSE.] This Act shall be known and may be cited as an "Act to provide for the reorganization of school districts." It shall have for its purpose the formation of new school districts and the alteration of the boundaries of established school districts in order to provide a more nearly equalized educational opportunity for pupils of the common schools, a higher degree of uniformity of school tax rate among districts, and a wiser use of public funds expended for the support of common school system.

§ 2. DEFINITIONS.] In this Act unless the context or subject matter otherwise clearly requires:

1. "Reorganization of school districts" shall mean and include the formation of new school districts, the alteration of the boundaries of established school districts, and the dissolution or disorganization of established school districts, through or by means of:
 - a. The uniting of two or more established districts;
 - b. The subdivision of one or more districts;
 - c. The transfer to an established district of a part of the territory of one or more districts; or the attachment thereto of all or any part of the territory of one or more districts subject to disorganization for any of the reasons now specified by law; or the transfer therefrom of any part of the territory of said established districts; and
 - d. Any combination of the methods aforementioned.
2. "County committee" and "state committee" shall mean respectively, the county committee for the re-

organization of school districts and the state committee for the reorganization of school districts hereinafter provided for by this Act; and

3. "County superintendent" shall mean the county superintendent of schools.

§ 3. BOARD TO APPOINT STATE COMMITTEE, MEMBERS OF; MEETINGS; COMPENSATION; AND TERMINATION OF.] The governor, attorney general and the commissioner of agriculture and labor shall constitute the members of a board to select the state committee provided for in this Act. Within sixty days after this Act becomes effective such board shall meet and select the members of the state committee. The governor shall be the chairman and the commissioner of agriculture and labor the secretary of such board. Minutes of meetings shall be kept by the secretary and such board shall hold meetings only upon the call of the governor, or upon the call of the other two members of the board. Such members shall serve without compensation. Such board shall terminate six years after the effective date of this Act unless extended as hereinafter provided.

§ 4. STATE COMMITTEE: MEMBERS: VACANCIES: DURATION AND COMPENSATION.] The state committee shall be composed of seven members, one of whom shall be the superintendent of public instruction. At least one member of the state committee shall be appointed from among the residents of each judicial district of the state. At least four members of such committee shall be persons not engaged in the profession of education. The members of the state committee shall be appointed without regard to political affiliation. Vacancies in the membership of the committee shall be filled by action of the board provided for in Section 3 of this Act. The life of the state committee shall terminate six years after the effective date of this Act unless extended as hereinafter provided. All members of the committee, except the superintendent of public instruction shall be compensated for the time spent in attendance at sessions of the committee at the rate of ten dollars per day and all members, including the superintendent of public instruction, shall be paid their actual expenses incurred in attending such meetings and in the performance of their official duties.

§ 5. ORGANIZATION OF STATE COMMITTEE.] Within sixty days after its appointment, the state committee shall organize by electing from its membership, a chairman, vice chairman and a secretary.

§ 6. COUNTY COMMITTEES; CREATION; COMPOSITION.] Within six months after the effective date of this Act there

shall be created in each county in the state a committee which shall be known as the county committee. Prior to the time specified in this section, the county superintendent shall be required to give a ten day written notice to each school board in each county requiring the members of such board to select from among its members or electors one person who shall represent such school board in electing the county committee as provided in this section. Such notice shall also specify the time and place of the meeting to select such county committee. Each school board in the county, upon the receipt of such notice, shall be required to meet and select such person. At the county meeting the school district representatives from each commissioner's district shall divide into groups by commissioner's districts and shall select the member of the county committee from that commissioner's district as specified in this section. If any school district consists of territory within two or more commissioner's districts, the representative of the school district shall vote in the commissioner's district in which the greater part of his school district lies. The member selected by such school boards shall each have one vote at the election to elect the members of the county committee. The size of the county committee shall be dependent upon and shall have the same number of members as there are county commissioner districts in the county. No person who is engaged in the teaching profession as an instructor, supervisor, or administrator shall be eligible to serve on any county committee. At least one member of such county committee shall be elected from among the residents of each commissioner district of the county.

§ 7. VACANCIES; DURATION AND COMPENSATION OF COUNTY COMMITTEE.] No member of a county committee shall continue to serve thereon if he ceases to be a resident of the commissioner district from which he was elected. Vacancies in the membership of a county committee shall be filled by such committee and any person elected to fill such vacancy shall be selected from the county commissioner district in which such vacancy occurs. In case of a tie vote existing upon filling a vacancy, the county superintendent shall cast the deciding vote. The life of each county committee shall terminate six years after the effective date of this Act unless extended as hereinafter provided, or unless such committee seeks and secures from the state committee a discharge at an earlier date on a showing of having fully performed the duties imposed upon it by this Act. Members of the county committee shall each receive as full compensation for their services the sum of six dollars per day but in no event shall any member of the committee receive more than three hundred dollars in any one year and in addition to such compensation each member shall receive his actual and necessary expenses incurred

by him in attending said meetings and in the performance of his official duties.

§ 8. ORGANIZATION; MEETINGS; QUORUM AND ADDITIONAL SALARY OF COUNTY SUPERINTENDENT.] Within ten days after the county committee has been elected as provided in Section 6, the county committee shall organize by selecting from its membership a chairman, and a vice chairman. The county superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or a majority of the members thereof. A majority of the members of the committee shall constitute a quorum. The county superintendent shall receive monthly in full for services rendered under this Act a sum of money equal to ten per cent of his monthly salary as county superintendent; said salary to commence upon the organization of the county committee and ceases as soon as the reorganization of said county is completed. He shall also be allowed and paid his actual and necessary expenses incurred while in the performance of his duties under the provision of this Act. Such additional salary and expenses shall be chargeable and payable as an expense of the county.

§ 9. STATE COMMITTEE TO CALL MEETINGS OF COUNTY COMMITTEE: PURPOSE.] Within thirty days after all county committees have been organized as provided in Section 8, the state committee shall call as many meetings of different county committees as in its discretion may be necessary. Such meetings shall be held at such centrally located points throughout the state as such state committee may designate. Such county committees as are requested to be in attendance at any such meeting shall be given at least a ten day prior notice of such meeting by the state committee. Such meetings shall be held to counsel and advise the county committees on:

1. The provisions of this Act;
2. The topography of the state and its road and highway system;
3. The general economic conditions of the state including population trends and developments; and
4. All factors which may affect the determination of proper district boundaries of the school system of the state in keeping with a wise educational and economic school district program.

All members of a county committee upon receipt of such notice shall attend such meeting, if possible, but the chairman and secretary of the county committee shall be required to attend.

§ 10. COUNTY COMMITTEES TO CONDUCT HEARINGS AND MEETINGS TO EXPLAIN PROVISIONS OF ACT; NOTICE REQUIRED.] Prior to preparing or formulating a plan for the reorganization of school districts as hereinafter provided, each county committee shall conduct such public hearings and hold such public meetings at such specified places throughout the county as it may be deemed necessary to explain and acquaint the people in the various communities with the provisions of this Act. Notice of any such hearing shall be given by publishing a notice in the official county newspaper at least ten days prior to the date set for such hearing. Such notice shall specify the time, place, and purpose of such meetings.

§ 11. COMPREHENSIVE STUDY OF COUNTY MADE BY COMMITTEE; CONSIDERATIONS.] Within nine months after its organization the county committee shall make a comprehensive study of the county school system in order to consider and determine:

1. The taxable assessed valuation of existing districts and the differences in such valuation under possible reorganization plans;
2. The size, geographical features, and boundaries of the districts;
3. The number of pupils attending school and the population of the districts;
4. The location and condition of school buildings and their accessibility to the pupils;
5. The location and condition of roads, highways, and natural barriers within the districts;
6. The school centers where children residing in the districts attend high school;
7. Conditions affecting the welfare of the teachers and pupils;
8. The boundaries of other governmental units and the location of private organizations; and
9. Any factors concerning adequate school facilities for the pupils.

Such committee shall also give due consideration in the preparation of a plan for the reorganization of school districts to the educational needs of local communities; to economies in transportation and in administration costs; to the future use of existing satisfactory school buildings, sites and playfields; to a reduction in disparities in per pupil valuation among school districts; to the equalization of the educational opportunity of pupils, and to any other matters which in its judgment are of importance.

§ 12. DETERMINATION AND ADJUSTMENT OF PROPERTY, ASSETS, DEBTS AND LIABILITIES AMONG DISTRICTS.] The county committee shall determine the value and amount of all school property and all bonded and other indebtedness of each school district affected in a reorganization plan and consider the amount of all outstanding indebtedness and shall make an equitable adjustment of all property, assets, debts and liabilities among the districts involved after the hearing provided for in Section 13.

§ 13. PUBLIC HEARING ON PROPOSALS FOR REORGANIZATION; HEARING TESTIMONY FOR ADJUSTING.] The county committee shall hold a public hearing on the advisability of any proposal by such committee for the reorganization of school districts which involves the formation of a new district or the transfer from one established district to another of any territory in which children of school age reside. Notice of such hearings as are held under the provisions of this section shall be given by publishing a notice in the official county newspaper at least ten days prior to the date of such hearing. Such committee shall also hear at such time as may be fixed by it, testimony offered by any person or school district interested in any proposal of the county committee to form a new district or to transfer territory from one school district to another or to attach to an established district or districts all or any part of another district subject to disorganization for any of the reasons now specified by law, said testimony to be heard for the purpose of finding and determining the value and amount of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of each school district affected by the proposed action, including all legal uncompleted obligations then existing and in so doing to consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements and to make an equitable adjustment of all property, debts, and liabilities among the districts involved; and to keep a record of all hearings on the reorganization of school districts and of all findings and terms of adjustment of property, debts and liabilities among the districts involved, and to submit the same to the state committee at the time of submitting a plan for the reorganization of school districts as provided in Section 14 of this Act. A sub-committee composed of not less than three members of a county committee, or three members of the county committee of each county concerned in case territory in two or more counties is involved, may hold any hearing that the county committee is required to hold.

§ 14. 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 proposed 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;
4. A summary of the reasons for such proposed reorganization of school districts;
5. Recommendations specifying whether such reorganized districts shall be common 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; provided, however, that in no case shall such extension be for a longer period than six months.

§ 15. PLAN INVOLVING TERRITORY IN MORE THAN ONE COUNTY.] A plan for the reorganization of school districts involving territory lying in two or more counties shall be prepared by joint action of a special committee composed of not less than three members of the county committee of each county involved, which plan, for purposes of submission to the state committee shall be incorporated into the comprehensive plan of the county which has the largest number of pupils residing in the proposed joint district.

§ 16. COMPLETED PLANS FOR DISTRICT OR DISTRICTS MAY BE SUBMITTED PRIOR TO COMPREHENSIVE COUNTY PLAN.] The county committee, from time to time, may submit to the state committee a plan for the reorganization of one or more school districts within the county or one or more joint districts comprising territory within the county without awaiting the completion of a comprehensive plan; provided, however, that such plan fit into and become an integral part of such comprehensive plan as the county committee is required to prepare.

§ 17. STATE COMMITTEE, POWERS AND DUTIES.] The state committee shall:

1. Appoint and employ a director and other personnel. Appoint and employ a director and such other assistants and personnel as may be necessary to enable the committee to carry out the powers and duties imposed upon it by this Act and to fix the compensation of such appointees and employees;

2. Disbursement of funds. Govern the disbursement of such funds as are provided by law for carrying out the provisions of this Act with authority to designate one or more of its members to examine and pass upon all claims against such funds for submission to the state auditing board and to require good and sufficient bond of such member or members so appointed for the faithful performance of the duties of such member or members in examining, passing upon, and approving such claims. All such disbursements shall be by the procedure and in the manner provided by law for the disbursement of funds of the state;

3. Aid county committee. Aid county committees in carrying out the powers and duties vested in and imposed upon them by this Act by furnishing such committees with the assistance of the employed staff of the state committee, with other necessary clerical assistance, and with such plans of procedure, standards, data, maps, forms and other materials and services as may be necessary.

4. Receive, examine, approve or disapprove reorganization plans. Receive, file and examine the plans for the reorganization of school districts and the reports of findings and terms of adjustment of property, debts and liabilities among the districts involved, submitted to the state committee by county committees, and to approve such plans and terms of adjustment when they are found by the state committee to provide for a satisfactory school district system for the counties and the state and for an equitable adjustment of property, debts and liabilities. Whenever a plan submitted by a county committee is found by the state committee

to be unsatisfactory, or whenever the terms of adjustment so submitted are found not to be fair and equitable, the state committee shall so notify the county committee and upon request shall assist said county committee in the revision of such plan or terms of adjustment, which revision shall be completed by the county committee and resubmitted within ninety days after such notification;

5. Appoint county committee. Appoint a county committee, in case no county committee is elected, as required in Section 6 of this Act, or in case a committee so elected shall fail or refuse to submit plans, records, reports and other data as provided for in this Act;

6. Transmit approved plans to county superintendent. Transmit to the county superintendent of each county a copy of the plan for the reorganization of the school districts of a county approved by the state committee; a copy of approved terms of adjustment of property, debts and liabilities; a statement of the findings and conclusions of the state committee respecting such approved plans and terms of adjustment; and copies of maps, reports, records and all other pertinent material submitted to the state committee by the county committee of his county; and

7. Present recommendations for extension of life of committees. Present to the legislative assembly a recommendation in writing that the life of a county committee and of the state committee be extended beyond six years, if in the judgment of the state committee such extension is necessary to the complete and satisfactory performance of the duties imposed upon said committees by this Act.

§ 18. APPROVED PLAN RECEIVED BY COUNTY SUPERINTENDENT; DUTY OF SUPERINTENDENT TO CALL SPECIAL ELECTION; DEFINITION OF VOTING UNITS; FAVORABLE RESULTS.] Upon receipt from the state committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts and liabilities among the districts involved, the county superintendent shall call a special election of the voters residing within the territory of each new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such elections, any territory within the proposed new district consisting of one or more incorporated villages or cities shall vote as a unit, and all rural territory within such proposed new district shall vote as a unit. For the purpose of this section all incorporated areas in the proposed new districts, regardless of their number and size, shall be considered as one incorporated area, and all rural areas in the proposed new

district, regardless of size, shall be considered as one rural area. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper once each week for two consecutive weeks at least thirty days next preceding such election, and by posting not less than fourteen days before the election one such notice on each school house door of each school district containing a school building and included in the proposed change. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the elections shall be held and conducted in the same manner and the polls shall open and close at the same time as is specified for elections in special school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within 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 make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 19. TRANSPORTATION REQUIRED.] Whenever any re-organization plan provides for the transportation of students from one part of such new district to a central point, and such plan is approved by the voters of such new district, then it shall be mandatory upon the school board of such new school district to provide adequate and practical transportation.

§ 20. 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 boun-

daries 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 electors so residing within both urban and rural units are in favor of the formation of the new 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.

§ 21. CLASSIFICATION AND TYPE OF SCHOOL DISTRICTS.] The identity and classification as to type of school districts reorganized under the provisions of this Act shall be subject to the provisions of Subsection 5 of Section 14 of this Act; provided, however, that any school district existing prior to the effective date of this Act and not having had its boundaries changed under the provisions of this Act, and all independent school districts and school districts organized under a special law shall keep and retain their present identity.

§ 22. SCHOOL BOARDS IN REORGANIZED AND ORIGINAL DISTRICTS.] After the establishment of any new school district, the school board for such new school district shall be elected at the regular annual school district election. At the first election to elect a school board in a newly reorganized district constituting a common school district the provisions of Sections 15-2401, 15-2402, and 15-2409, of the North Dakota Revised Code of 1943 shall govern; and in a district constituting a special school district the election shall be governed by the provisions of Section 15-2801 and 15-2802, of the North Dakota Revised Code of 1943. Members of school boards elected in the newly reorganized districts shall not enter upon the duties of such office until the time specified in Section 22 of this Act. School boards in original school districts included within a reorganized district shall continue and remain in existence until the time specified in Section 22 of this Act at which time the new school board elected for the newly reorganized district as provided in this section shall become the governing body of such school districts; provided, however, that prior to the completion of the reorganization of any school district under the provisions of this act, the existing school board of any school district shall not contract or place such district under any obligation, except upon the recommendation of the county committee. Subse-

quent annual elections in such school district shall be governed by the laws pertaining thereto.

§ 23. EFFECTIVE DATE OF APPROVED REORGANIZATION PLANS.] Any reorganization plan voted upon and approved shall become operative and effective on the first day of July succeeding final approval of the same.

§ 24. VOLUNTARY PROPOSALS FOR ORGANIZATION OR ALTERATION OF SCHOOL DISTRICTS.] After the effective date of this Act, proposals for the organization of a new school district, for the consolidation of two or more districts, and for the alteration of the boundaries of established school districts, through or by any of the means provided for by any law in effect at the time, must be submitted by the board of county commissioners, or the county superintendent, as the case may be, to the county committee and to the state committee for approval before any hearings on petitions are held by the board of county commissioners or the county superintendent, or final action is taken by the board of county commissioners, or the county superintendent in cases where no petition is required, or where proposals are submitted to the vote of the electors as the law may require in each case. Such proposals shall be approved by the county committee and by the state committee, and the board of county commissioners and the county superintendent, as the case may be, so notified if in the judgment of said committees they constitute an acceptable part of a comprehensive program for the reorganization of the school districts of the county.

§ 25. COUNTY AND STATE OFFICERS TO COOPERATE WITH COMMITTEES.] The county and state officers shall make available to the county committee and the state committee such information from public records in their possession as is essential to such committees in the performance of their duties.

§ 26. REORGANIZED BOUNDARIES OF SCHOOL DISTRICTS NOT TO BE ALTERED WITHIN FIVE YEARS; EXCEPTION.] The boundaries of a school district established through and by means of the reorganization of school districts provided for in this Act shall not be altered within five years of such establishment, except upon recommendation of the county superintendent and approval by the county committee and the state committee during the life of said committees.

§ 27. DUTIES IMPOSED UPON COUNTY SUPERINTENDENT AND OFFICERS WHERE REORGANIZED DISTRICTS CONSTITUTE JOINT DISTRICTS.] The duties imposed upon and required to be performed by the county superintendent under the provisions of this Act or under other provisions of law are in

like manner imposed upon and required to be performed by all county superintendents affected by a reorganization of school districts involving territory in two or more counties. Duties that are required by law to be performed by any other county officers or by any school district officers in connection with the operation of joint school districts established under the provisions of existing law shall likewise be performed by such officers in connection with the operation of such joint districts as are organized and established pursuant to the provisions of this Act.

§ 28. APPEAL FROM DECISION OF COUNTY COMMITTEE IN MAKING ADJUSTMENTS OF PROPERTY, DEBTS AND LIABILITIES.] An appeal may be taken to the district court on any question of adjustment of property, debts and liabilities among the districts involved in which the power to make an adjustment or adjustments has been extended by this Act. Any person feeling aggrieved by the decision of the county committee after the hearing provided for in Section 13 may appeal from such decision. Such appeal shall be taken within thirty days after the decision of the committee on the adjustment of the property, debts and liabilities, by serving a written notice of appeal upon a member of the county committee. If such court finds the terms of the adjustment in question not to be equitable or in conformity with any provisions of the Constitution of North Dakota, such court shall make an adjustment that is equitable and in conformity with every provision of the state Constitution of which such adjustment shall be deemed by the court to be violative. Any determination by the court with respect to the adjustment of property, debts and liabilities among the districts or areas involved shall not otherwise affect the validity of the reorganization or creation of any district or districts under the provisions of this Act.

§ 29. APPROPRIATION.] There is hereby appropriated out of any monies in the state treasury, in the State Equalization Fund not otherwise appropriated, the sum of sixty thousand dollars or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

§ 30. SAVINGS CLAUSE.] If any section, subdivision, sentence, or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved March 15, 1947.

CHAPTER 148

H. B. No. 153 (Link, Esterby, Baker)

CONSTRUCTION REQUIREMENTS SCHOOL BUILDINGS

AN ACT

To amend and reenact subsections 2, 3 and 4 of section 15-3502 of the North Dakota Revised Code of 1943, relating to the requirements of plans for school buildings and declaring an emergency.

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

§ 1. AMENDMENT.] That subsections 2, 3 and 4 of section 15-3502 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

2. They shall provide facilities which assure at least fifteen cubic feet of pure air every minute per pupil, of which one half may be recirculated air, and which warm the air to maintain an average temperature of seventy degrees Fahrenheit during the coldest winter weather, and the facilities for exhausting the foul or vitiated air shall be positive and independent of atmospheric changes;
3. They shall provide for the admission of light from the side, or from the side and rear, of the classrooms, provided that if there is a light source from both sides, one such side light source shall be at least eight feet above the floor, and the total light area, unless strengthened by the use of reflecting lenses, shall be equal to at least twenty percent of the floor space;
4. All ceilings shall average at least ten feet in height, and shall not be lower than nine feet at any point;

§ 2. EMERGENCY.] For the reason that the plans for many proposed school buildings will be required prior to July 1, 1947, 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 3, 1947.

CHAPTER 149

H. B. No. 48

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, and North Dakota School Officers Association and the Superintendent of Public Instruction)

NON-PROFIT SCHOOL LUNCH PROGRAM

AN ACT

To provide for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs in schools in the state.

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

§ 1. DEFINITIONS.] In this Act unless the context otherwise clearly requires:

1. "School board" shall mean publicly elected officials as provided for in Title 15 of the North Dakota Revised Code of 1943;
2. "School" shall mean a public school operated by a school district as provided for in Title 15 of the North Dakota Revised Code of 1943;
3. "School lunch program" means a program under which lunches are served by any school in the state on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States; and
4. "State educational agency" shall mean the state department of public instruction.

§ 2. EXPENDITURE OF FEDERAL FUNDS.] The state educational agency shall establish a fund known as the North Dakota school lunch fund. All monies received by the state educational agency, from the federal government or any other source, for the North Dakota school lunch program, shall be placed in such a fund. All disbursements from such funds shall be made only by checks or warrants drawn on the school lunch fund. Such checks and warrants shall be drawn only by persons who are duly authorized to do so by resolution of the state agency.

§ 3. ADMINISTRATION OF PROGRAM.] The state educational agency may enter into such agreements with any agency of the federal government, with any school board, or with any

other agency or person, prescribe such regulations, employ such personnel, and take such other action, as it may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school lunch program, and to direct the disbursement of federal funds, in accordance with any applicable provisions of federal or state law. The state educational agency may give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and may assist in training personnel engaged in the operation of such program. The state educational agency and any school board may accept any gift for use in connection with any school lunch program.

§ 4. SCHOOL BOARDS.] Pursuant to any power of school boards to operate or provide for the operation of school lunch programs in schools under their jurisdiction, school boards may use therefor funds disbursed to them under the provisions of this Act, gifts, and other funds received from the sale of school lunches under such programs.

§ 5. ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.] The state educational agency shall prescribe regulations for the keeping of accounts, and records and the making of reports by or under the supervision of school boards. Such accounts and records at all times shall be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the state educational agency lawfully may prescribe. The state educational agency shall conduct or cause to be conducted such audits, inspections, and administrative reviews of accounts, records, and operations with respect to school lunch programs as may be necessary to determine whether its agreements with school boards and regulations made pursuant to this Act are being complied with, and to insure that school lunch programs are effectively administered.

§ 6. STUDIES, APPRAISALS, AND REPORTS TO GOVERNOR.] The state educational agency to the extent that funds are available for that purpose, and in cooperation with other appropriate agencies and organizations, may conduct studies of methods of improving and expanding school lunch programs and promoting nutritional education in the schools, may conduct appraisals of the nutritive benefits of school lunch programs, and may report its findings and recommendations, from time to time, to the governor.

§ 7. EXPENDITURE OF STATE FUNDS.] No funds appropriated by this or any subsequent legislative assembly from funds belonging to the state of North Dakota shall be used for any purpose other than administrative expense.

Approved March 1, 1947.

CHAPTER 150

H. B. No. 30

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction.)

SECOND GRADE ELEMENTARY CERTIFICATE

AN ACT

To amend and reenact Section 15-3602, 15-3612 and 15-3613 of the North Dakota Revised Code of 1943 relating to the granting and the exhibiting of second grade elementary certificate.

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

§ 1. AMENDMENT.] That Section 15-3602 of the North Dakota Revised Code of 1943 be 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 graduated from a four-year high school course as prescribed by the state superintendent of public instruction and who are over eighteen years of age who, 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.

§ 2. AMENDMENT.] That Section 15-3612 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

15-3612. CERTIFICATE MUST BE EXHIBITED TO CLERK: COMPLETION OF TERM AFTER EXPIRATION OF CERTIFICATE.] No teacher shall be entitled to receive any compensation for

the time he teaches in a public school without a certificate to teach which lawfully is issued and in force in the county in which the school is taught. Prior to receiving his salary for the first month taught in a school district, a teacher must exhibit his certificate to the clerk of the school board or the secretary of the board of education, as the case may be. If a teacher's certificate shall expire by its own limitations within six weeks of the close of the term, the teacher may finish the term without reexamination or renewal thereof.

§ 3. AMENDMENT.] That Section 15-3613 of the North Dakota Revised Code of 1943 be 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. 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 February 11, 1947.

CHAPTER 151

H. B. No. 338 (Committee on Education)
(Through Committee on Delayed Bills)

TRANSPORTATION OPTIONAL WITH SCHOOL BOARD

AN ACT

To amend and reenact section 15-3404 of the North Dakota Revised Code of 1943, relating to the family system transportation for grade children, setting up a schedule and making such payments optional with the school board.

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

§ 1. AMENDMENT.] That section 15-3404 of 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.....	5¢ per day
From 2 $\frac{1}{4}$ miles to 2 $\frac{1}{2}$ miles.....	8¢ per day
From 2 $\frac{1}{2}$ miles to 2 $\frac{3}{4}$ miles.....	11¢ per day
From 2 $\frac{3}{4}$ miles to 3 miles.....	14¢ per day
From 3 miles to 3 $\frac{1}{4}$ miles.....	17¢ per day
From 3 $\frac{1}{4}$ miles to 3 $\frac{1}{2}$ miles.....	20¢ per day
From 3 $\frac{1}{2}$ miles to 3 $\frac{3}{4}$ miles.....	23¢ per day
From 3 $\frac{3}{4}$ miles to 4 miles.....	26¢ per day
From 4 miles to 4 $\frac{1}{4}$ miles.....	29¢ per day
From 4 $\frac{1}{4}$ miles to 4 $\frac{1}{2}$ miles.....	32¢ per day
From 4 $\frac{1}{2}$ miles to 4 $\frac{3}{4}$ miles.....	35¢ per day
From 4 $\frac{3}{4}$ miles to 5 miles.....	38¢ per day
From 5 miles to 5 $\frac{1}{4}$ miles.....	41¢ per day
From 5 $\frac{1}{4}$ miles to 5 $\frac{1}{2}$ miles.....	44¢ per day
From 5 $\frac{1}{2}$ miles to 5 $\frac{3}{4}$ miles.....	47¢ per day
From 5 $\frac{3}{4}$ miles to 6 miles.....	50¢ per day
Each $\frac{1}{2}$ mile over 6 miles, the further sum of.....	5¢ 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 March 15, 1947.

CHAPTER 152

H. B. No. 213
(Luick, by request)

HIGH SCHOOL TUITION ATTENDANCE FOREIGN STATES

AN ACT

To amend and reenact Section 15-4014 of the North Dakota Revised Code of 1943, as amended by Chapter 165 of the Session Laws of 1945, relating to payments of high school tuition and students attending school in foreign states, or districts other than the district of residence.

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

§ 1. AMENDMENT.] That Section 15-4014 of the North Dakota Revised Code of 1943, as amended by Chapter 165 of the Session Laws of 1945, be, and the same is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION; AMOUNT OF PAYMENTS; STUDENT ATTENDING SCHOOL IN FOREIGN STATE.] There shall be paid out of the fund to each school district in this state which, during the then current year, offers four or more units of standard high school work approved by the superintendent of public instruction as provided in this title and has employed only teachers who are duly certified and has paid its teachers not less than the minimum salary required by law:

1. For each non-resident high school student attending a county agricultural and training school or a model high school in the district, the sum of three dollars for each week in which such student attended such school during the preceding school semester. In the

case of county agricultural and training schools, all students shall be considered as non-resident high school students and subject to all the provisions of this section;

2. For each non-resident high school student attending a high school, other than a county agricultural and training school or a model high school, in the district, the sum of three dollars for each week in which such student attended the high school during the preceding school semester.

A student who lives in a county in this state bordering on another state and in a school district which has no high school may attend a four year high school in the adjoining state, and high school tuition shall be paid from the fund in the amount specified in this section to the district in which the high school which he attends is located.

Provided, however, that a pupil may attend a high school in a district other than the district of his residence, if found more convenient on account of roads, distances and other circumstances, upon recommendation of the county superintendent and approval by the department of public instruction, and in such cases the tuition shall be paid from the State Equalization Fund as in other cases.

Approved March 11, 1947.

CHAPTER 153.

H. B. No. 116 (Committee on Education) COUNTY AGRICULTURAL AND TRAINING SCHOOLS JOINT MAINTENANCE

AN ACT

To amend and re-enact Section 15-4208, North Dakota Revised Code of 1943, relating to the joint maintenance of County Agricultural and Training Schools by county and state; levy of county tax; and increasing state aid.

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

§ 1. AMENDMENT.] Section 15-4208, North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

15-4208. JOINT MAINTENANCE BY COUNTY AND STATE; LEVY OF COUNTY TAX; STATE AID.] The expense of maintaining a county agricultural and training school shall be borne jointly by the county and the state. The board of county commissioners shall levy and spread upon the tax roll, annually, an amount sufficient to pay the county's share of such cost. The state's share of such maintenance expense shall be seven thousand five hundred dollars annually for the first one hundred fifty students, and twenty-five dollars for each additional student over the first one hundred fifty students. The state's share of such maintenance expense, however, shall not exceed twelve thousand five hundred dollars in any one year. An amount at least equal to the state's share shall be levied and paid by the county, but the county, if it is necessary, may levy a greater amount for such maintenance.

Approved March 3, 1947.

CHAPTER 154

S. B. No. 37

(Brant for Legislative Research Committee
at the request of Board of Higher Education)

CONSTRUCTION REVENUE PRODUCING BUILDINGS HIGHER EDUCATIONAL INSTITUTIONS

AN ACT

Providing for the construction, equipping and furnishing of revenue producing buildings or additions to existing buildings on the campuses of the several institutions under the control of the state board of higher education; providing for the financing of all or part of the cost thereof through the issuance of revenue bonds; authorizing the board of higher education to fix rents, charges and fees to assure payment of principal and interest of such bonds, and to operate and maintain such buildings or additions to existing buildings; authorizing the making of appropriate covenants and agreements to effect the purposes of this Act; authorizing the making of agreements with the United States of America or any agency or instrumentality thereof; providing for approval of such bonds by the attorney general; making such bonds lawful investments and collateral security for certain funds and exempting such buildings or additions to existing buildings and equipment from taxation.

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

§ 1. BOARD OF HIGHER EDUCATION MAY SET ASIDE PORTIONS OF CAMPUSES FOR AUTHORIZED REVENUE PRODUCING BUILDINGS.] That subject to and in accordance with the

terms of this Act, the state board of higher education, for and on behalf of the several institutions now and hereafter under its supervision and control, from time to time, may set aside such portions of the respective campuses of said institutions as may be necessary and suitable for the construction thereon of such revenue producing buildings as, from time to time, may be authorized by the legislative assembly of the state of North Dakota, and including additions to existing buildings used for such purposes, and may construct such buildings or additions thereon and may equip, furnish, maintain and operate such buildings.

§ 2. BOARD MAY BORROW MONEY AND ISSUE BONDS; CONDITIONS; BONDS TAX FREE.] For the purpose of paying all or part of the cost of the construction, equipment and furnishing of any such buildings or any addition to existing buildings, the state board of higher education may borrow money on the credit of the income and revenue to be derived from the operation of the said building or buildings, and, in anticipation of such collections of such income and revenues, may issue negotiable bonds in such an amount as, in the opinion of the said board, may be necessary for such purposes, all within the limits of the authority granted by the legislative assembly in each instance, and may provide for the payment of such bonds and the rights of the holders thereof as provided in this Act. Such bonds shall be payable serially, and may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding twenty-five years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium or payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, not exceeding five per cent per annum, as may be provided by resolution or resolutions to be adopted by the state board of higher education. Such bonds may be sold in such manner and at such price or prices not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed five per cent per annum, computed on the basis of average maturities according to standard tables of bond values. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota, or by any county, municipality, or political subdivision therein. The board, in its discretion may authorize one issue of bonds hereunder for the construction, furnishing and equipment of more than one building and may make

the bonds payable from the combined revenues of all buildings acquired in whole or in part with the proceeds thereof, and where bonds are so issued the words "the building," as herein used, shall be construed to refer to all the buildings so acquired.

§ 3. BONDS ARE SPECIAL OBLIGATIONS AND BOARD MAY INSERT SPECIAL PROVISIONS IN BONDS.] The bonds issued under the provisions of this Act shall not be an indebtedness of the state of North Dakota nor of the institution for which they are issued nor of the state board of higher education thereof, nor of the individual members, officers or agents thereof, nor shall any building or the land upon which it is situated, or any part thereof be security for or be levied upon or sold for the payment of said bonds, but the said bonds shall be special obligations payable solely from the revenues to be derived from the operation of the building, and the board is authorized and directed to pledge all or any part of such revenues to the payment of principal of and interest on the bonds. In order to secure the prompt payment of such principal and interest and the proper application of the revenues pledged thereto the board is authorized by appropriate provisions in the resolution or resolution authorizing the bonds:

1. To covenant as to the use and disposition of the proceeds of the sale of such bonds;
2. To covenant as to the operation of the building and the collection and disposition of the revenues derived from such operation;
3. To covenant as to the rights, liabilities, powers and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;
4. To covenant and agree to carry such insurance on the building, and the use and occupancy thereof as may be considered desirable and, in its discretion, to provide that the cost of such insurance shall be considered as part of the expense of operating the building;
5. To vest in a trustee or trustees for the bondholders the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure the bonds and to execute and deliver a trust agreement or agreements which may set forth the powers and duties and

the remedies available to such trustee or trustees and may limit the liabilities thereof and prescribe the terms and conditions upon which such trustee or trustees or the holder or holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all such covenants and resort to such remedies as may be appropriate;

6. To fix rents, charges and fees to be imposed in connection with and for the use of the building and the facilities supplied thereby, which rents, charges and fees shall be considered to be income and revenues derived from the operation of the building, and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building, and with reference to requiring any class or classes of students to use the buildings as it may deem desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this Act;
7. To covenant to maintain a maximum percentage of occupancy of the building;
8. To covenant against the issuance of any other obligations payable from the revenues to be derived from the building; and
9. To make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to effect the purposes of this Act.

All such agreements and covenants entered into by the board shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

§ 4. BOARD MAY ENTER INTO CONTRACT WITH FEDERAL AGENCIES.] The board may enter into any agreements or contracts with the United States of America or any agency or instrumentality thereof which it may consider advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of the construction, furnishing and equipment of the building.

§ 5. PROCEEDS OF BONDS DEPOSITED IN STATE TREASURY; AUTHORIZING ISSUING OF WARRANTS.] That the proceeds derived from the sale of the bonds herein authorized

shall be deposited in the state treasury to the credit of the board and kept in a separate fund and used solely for the purpose for which the bonds are authorized. The board is authorized to make all contracts and to execute all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing and equipment of the building, and the state auditor is hereby authorized and directed to issue warrants upon the state treasury against such funds for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose.

§ 6. INCOME AND REVENUES COLLECTED BY DESIGNATED AGENT; MONTHLY EXPENSE FUND RETAINED BY AGENT; SPECIAL FUND CREATED.] All income and revenues derived from the operation of any building financed in the manner provided in this Act, except revenues paid directly to a trustee or trustees for the bondholders under the provisions of subsection 5 of Section 3 hereof, shall be collected by such officer or agent of the institution where the building is located as the state board of higher education, from time to time, may designate, and shall be accounted for by him and remitted to the state treasurer at least once a month. The said board, in its resolution authorizing the bonds, may provide for a monthly expense fund to be retained by the collecting officer for the purpose of paying the expense of operation and maintenance of the building, and if such expense fund is so provided, the collecting officer may pay such expenses from said fund, and at the time of each monthly accounting and remittance to the state treasurer, he shall account for and deduct from the remittance the amount of such expense during the preceding month, not exceeding the amount provided for in such resolution. The funds required to be remitted to the state treasurer shall be held by him in a special fund, to be applied solely to the payment of the principal and interest on said bonds, and the establishment of a reserve for future payments until all of said bonds and the interest thereon has been fully paid. As principal and interest become due from time to time, the state auditor, not less than fifteen days prior to the payment dates, shall issue warrants upon the state treasurer against such special fund for the amount of such payment coming due, and the state treasurer shall make payment from such fund of the amounts due.

§ 7. ENDORSEMENT OF BONDS; ATTORNEY GENERAL TO APPROVE; INCONTESTABLE; EXCEPTION.] All bonds issued under the provisions of this Act, shall have endorsed thereon, a statement to the effect that the same do not constitute an obligation of the state of North Dakota, the state board of higher

education, nor the individual members, officers or agents thereof, nor of the institution upon the campus of which the building is located, and that the said bonds are payable solely and only out of the revenues to be produced and received from the operation of said building. Such bonds shall be submitted to the attorney general of North Dakota for his examination and when such bonds have been examined and certified as legal obligations by the attorney general in accordance with such requirements as he may make, shall be incontestable in any court in this state unless suit thereon shall be brought in a court having jurisdiction thereof within thirty days from the date of such approval. Bonds so approved by the attorney general shall be prima facie valid and binding obligations according to their terms and the only defense which may be offered thereto in any suit instituted after such thirty day period shall have expired shall be forgery, fraud, or violation of the constitution.

§ 8. WHO MAY INVEST IN BONDS.] Any bank, trust or insurance company organized under the laws of this state may invest its capital and surplus in bonds issued under the provisions of this Act. Any state board, bureau, institution or industry having the power to invest public funds or the funds of such board, bureau, institution or industry, may invest said funds in bonds issued pursuant to this Act in the same manner and under the same restrictions as are provided by law for other investments. The officers having charge of any sinking fund of any county, city, town, township or school district thereof may invest the sinking fund of such county, city, town, township or school district in bonds issued under the provisions thereof. Such bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

§ 9. CONSTRUCTION OF ACT NOT TO PERMIT OBLIGATING OF STATE.] Nothing in this Act shall be construed to authorize or permit the state board of higher education, or any officer or agency of the state, to create any state debts, or to incur any obligations of any kind or nature, except as shall be payable solely and only from the special funds to be created from the revenues of the building or buildings erected under the terms and provisions of this Act, nor shall the state of North Dakota or any funds or moneys of this state other than the special funds derived from the income of said building or buildings respectively ever be deemed obligated for the payment of the said bonds or any part thereof.

§ 10. LIMITATION ON BUILDINGS AND ISSUANCE OF BONDS.] No building or buildings shall be erected, and no bonds shall be issued for the payment of the cost of any build-

ing or buildings under the terms of this Act, save and except for such specified buildings as may be from time to time designated and authorized by legislative act, nor shall any such building or buildings be erected at a cost exceeding the amount fixed by the legislature in such Act as the maximum to be expended for each such building.

§ 11. SAVINGS CLAUSE.] If any section, paragraph, sentence, part or provision of this Act shall be found by any court to be invalid, it shall be conclusively presumed that this Act would have been passed and enacted by the legislative assembly without such invalid section, paragraph, sentence, part, or provision.

Approved March 6, 1947.

CHAPTER 155

S. B. No. 213 (Judiciary Committee)

BONDS REVENUE PRODUCING BUILDINGS HIGHER EDUCATIONAL INSTITUTIONS

AN ACT

Authorizing 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 Senate Bill No. 37 of the Thirtieth Legislative Assembly of the State of North Dakota.

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

§ 1.] In accordance with the provisions of Senate Bill No. 37 of the Thirtieth Legislative Assembly of North Dakota 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. At the University of North Dakota, Grand Forks, North Dakota
 - (a) Men's Dormitory\$350,000.00
 - (b) Women's Dormitory 400,000.00
 - (c) Student Union Building 500,000.00

2. North Dakota Agricultural College, Fargo, North Dakota
 - (a) Women's Dormitory 400,000.00
3. State School of Science, Wahpeton, North Dakota
 - (a) Women's Dormitory 200,000.00
4. State Normal and Industrial College, Ellendale, North Dakota
 - (a) Men's Dormitory 100,000.00
5. State Teachers College, Mayville, North Dakota
 - (a) Men's Dormitory 100,000.00
6. State Teachers College, Dickinson, North Dakota
 - (a) Men's Dormitory 135,000.00

§ 2.] No bonds, issued under the authority of this act, shall ever become a general obligation against the State of North Dakota or its institutions.

Approved March 7, 1947.

CHAPTER 156

S. B. No. 286—(Committee on Delayed Bills)

SCHOLARSHIPS ORPHANS WORLD WAR I AND II VETERANS

AN ACT

Providing for scholarships in any State Educational Institution or in any Junior College in this state for orphans of World War I or II Veterans who are unable to attend any such institution or college with out financial assistance; prescribing the duties of the Commissioner of Veterans Affairs, the Veterans Aid Commission and Commissioner of Higher Education relative thereto; providing that payments of such scholarships shall be made out of moneys in the Veterans Post War Rehabilitating Reserve Fund.

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

§ 1. The sum of two hundred dollars per year shall be made available for any child of a deceased veteran of World War I or II between the ages of 16 years and 21 years, whose father or mother was killed in action or died from wounds or other causes during the period of the war in which he or she served, who died or was declared wholly incompetent thereafter of service connected disability, who desires to attend the

State University, State Agricultural College, any State Normal School or Teachers College or any State Trade School or Junior College and who is unable to attend such institution, school or Junior College without such financial assistance. The financial aid herein provided shall be used for the sole purpose of contributing to the payment of tuition, board, room rent, books and supplies; provided that the child of a deceased veteran shall be admitted to any educational institution maintained by this state free of tuition.

§ 2. The amounts that may be or may become due to any State Educational Institution or Junior College shall be payable to such institution from the earnings of the Veterans' Post War Rehabilitation Fund, but not more than two hundred dollars shall be paid under the provisions of this Act for any one child for any year and no individual shall be eligible to receive the financial assistance herein provided for a period of more than four years.

§ 3. The need for financial assistance for any child of a deceased or incompetent veteran of World War I or II shall be determined and established by the Commissioner of Veterans Affairs and his determination shall be subject to the approval of the Veterans Aid Commission. Payment for board, room rent, tuition, books and supplies shall be made on vouchers approved by the Commissioner of Veterans' Affairs subject to such rules and regulations as he may, with the approval of the Commissioner of Higher Education, prescribe.

§ 4. Each institution or Junior College shall make triplicate lists of applicants for the financial assistance provided by this Act, the unit of the armed forces in which the parent of the applicant served, the course of study selected, and the Commissioner of Veterans Affairs shall check such lists with such records as are on file in his office, or as can be procured by the Adjutant General of North Dakota, the U. S. War Department or U. S. Veterans Administration and shall thereupon certify to the Commissioner of Higher Education the names of applicants on such lists who are eligible for the benefits provided for in this Act.

Approved March 21, 1947.

CHAPTER 157

H. B. No. 9
(Langley and Legislative Research Committee
at the request of Attorney General)

**EFFECT OF PUBLIC LAND PATENT ISSUED TO PERSON
WHO DIES PRIOR TO DATE OF PATENT**

AN ACT

Construing and determining the effect of a patent for public lands issued to a person who had died prior to the patent's date.

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

§ 1. PATENTS TO PUBLIC LANDS ISSUED TO A PERSON WHO DIED BEFORE DATE OF PATENT; EFFECT.] Where patents for public lands have been or may be issued, in pursuance of any law of this state, to a person who has died before the date of such patent, the title of the land designated therein shall inure to and vest in the heirs, devisees or assignees of such deceased patentees as if the patent had been issued to the deceased person during life.

Approved March 13, 1947.

CHAPTER 158

H. B. No. 7
(Langley and Legislative Research Committee
at request of Attorney General.)

CONVEYANCE GRANT AND NON-GRANT SCHOOL LANDS

AN ACT

Amending Sections 15-0707, 15-0717, and 15-0816 of the North Dakota Revised Code of 1943, relating to the manner of conveying grant and nongrant school lands, ratifying and confirming conveyances heretofore made, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 15-0707 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0707. CONVEYANCE TO PURCHASER UPON PAYMENT IN FULL OF PURCHASE PRICE.] When the purchase price of

any nongrant land sold under the provisions of this chapter, together with any interest on deferred payments due under such contract, has been paid in full, the lands purchased shall be conveyed to the purchaser, his heirs or assigns, by quitclaim deed executed in the name of the state of North Dakota by the commissioner of university and school lands, attested by the secretary of state, with the great seal of the state of North Dakota affixed thereto.

§ 2. AMENDMENT.] That Section 15-0717 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0717. TERMS OF SALE OF NONGRANT LANDS SOLD ON AMORTIZATION CONTRACT.] The terms of sale of nongrant lands sold on an amortization contract shall be as follows:

1. Twenty per cent of the purchase price shall be paid at the time the contract is executed;
2. The balance of the purchase price shall be paid in equal annual installments, each annual payment to be six per cent of the original purchase price.

An amount equal to three per cent of the unpaid principal shall be credited to interest and the balance of each payment shall be applied on the principal as a credit on the purchase price each year. The purchaser may pay all or any installment or installments before the same are due on any interest paying date. The purchaser may pay the entire balance due on his contract with interest to the date of payment at any time, and he shall then be entitled to a quitclaim deed executed as provided in Section 15-0707.

§ 3. AMENDMENT.] That Section 15-0816 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0816. PATENTS FOR PUBLIC LANDS; EXECUTION.] Patents for original grant lands sold under the provisions of this title shall be issued to the purchaser, his heirs, or assigns, when payment is made in full for the lands and all the terms of the contract of purchase are performed. All such patents shall be signed by the governor and attested by the secretary of state with the seal of the state, and shall be countersigned by the commissioner of university and school lands with his seal affixed.

§ 4. FORMER CONVEYANCES CONFIRMED.] In all cases where nongrant lands have been conveyed by conveyances executed otherwise than is provided by Section 15-0707, such conveyances are hereby in all things ratified and confirmed.

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

Approved March 13, 1947.

CHAPTER 159

H. B. No. 326

(Hegge, Fraser, Mollet, Schwartz, Moerke)

LEASING AND SALE SCHOOL AND PUBLIC LANDS TRAVERSED BY RAILROAD OR HIGHWAY

AN ACT

Relating to the leasing and sale of school and public lands traversed or bisected by a railroad or highway and declaring an emergency.

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

§ 1.] From and after the date of this Act all boards, departments and officials of government shall be authorized and permitted to lease or sell such school and public lands in separate tracts where such tract of land is traversed or bisected by a highway or railroad. It is the intent of this Act that such tract located on one side or the other of a highway or a railroad, which may be less than 160 acres, as the case may be, may be sold or leased to separate purchasers or tenants.

§ 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 13, 1947.

CHAPTER 160

H. B. No. 149 (Sellens)

SALE PROCEDURE ORIGINAL GRANT SCHOOL LANDS

AN ACT

Providing procedure for Sale of Original Grant School Lands, and Repealing Sections 15-0603, 15-0604, 15-0605, 15-0606, 15-0607, 15-0608, 15-0609, 15-0610, 15-0611, 15-0612, 15-0613, 15-0614, 15-0615, 15-0616, and 15-0617 of the North Dakota Revised Code of 1943.

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

§ 1.] When an offer to purchase any particular tract or original grant land has been made to the board of university and school lands, the commissioner shall request the county board of appraisers to appraise such tract. Upon receipt of such request by the county auditor, he shall immediately notify the members of the county board of appraisers, who shall, within ten (10) days, proceed to view and appraise such tract.

§ 2.] The county board of appraisers shall certify to the correctness of the appraisal, and file the same with the county auditor who shall immediately transmit the same to the commissioner of university and school lands. The appraisal shall be verified by each of the appraisers, and shall disclose any real or contingent interest that any of the appraisers has in the tract appraised. Any member of the county board of appraisers who wilfully makes any false statement in the appraisal relating to such interest is guilty of a misdemeanor.

§ 3.] If any tract so appraised is not sold immediately, it may again be offered and sold without reappraisement if sold within two years of such appraisement.

§ 4.] The board of university and school lands shall cause a notice of sale of such tract to be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land, and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated. Such notice shall describe the land to be sold, and shall state the amount bid therefor, and the terms and conditions of sale.

§ 5.] At the time appointed for the sale, the commissioner of university and school lands, his deputy, or any other person appointed by him shall proceed to sell or offer

for sale the land so advertised to be sold at public auction to the highest bidder. The sale shall be held at the front door of the courthouse or of the place where the terms of the district court are held, in the county in which the land is situated. Lands that have not been subdivided specially shall be offered in tracts of one quarter section, and those subdivided shall be sold in the smallest subdivision thereof. No tract shall be sold for less than the fair market value thereof or for less than ten dollars (\$10.00) per acre. If the tract to be sold consists of grant lands once sold on contract and the contract has been canceled, and the lands form a single farm unit, the entire tract may be sold as a single tract and farm unit.

§ 6.] The highest bidder for any tract of land offered for sale under this chapter shall be declared the purchaser thereof. The purchaser shall pay twenty (20) percent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) percent of the original purchase price. An amount equal to not less than three (3) percent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on the purchase price. If the purchaser fails to pay the amount required to be paid at the time of sale, the commissioner or other person conducting the sale shall re-offer the tract for sale immediately, but no bid shall be received from the person failing to pay as aforesaid. Any person refusing or neglecting to make such initial payment after purchase shall forfeit the sum of one hundred dollars (\$100.00) to be recovered for the benefit of the fund to which the land belongs by civil suit in the name of the state.

§ 7.] Immediately upon the sale by the Board of University and School Lands, the purchaser shall execute a contract in duplicate in the form prescribed by the Board. The failure of a purchaser to execute the contract shall constitute a forfeiture of the payment made at or before the sale. When the contract is executed properly by the Commissioner, the copy marked "duplicate" shall be delivered to the purchaser. Each contract executed shall have on the face a notation of the date of the delivery of the duplicate to the purchaser.

§ 8.] Whenever the interests of the state will be promoted by dividing any portion of the land under its control into small parcels, city lots, or village lots, the board of university and school lands may order the commissioner to cause the same to be done, and to have the land appraised in the manner prescribed in this chapter.

§ 9.] All parcels or lots appraised in accordance with

sections 1 and 2 herein shall be subject to sale in the same manner, upon the same terms and conditions, and at the prices not less than that at which they are appraised severally until a new appraisal is made, and the contract of purchase shall have the same effect. The board of university and school lands may order a new appraisal of such lands to be made at any time in the manner provided in this chapter and with like effect. No lots or parcels so appraised shall be sold for less than the minimum price of the land established in this chapter.

§ 10.] When the commissioner of university and school lands shall divide any tract of land into small parcels or lots as provided in this chapter, he shall cause a correct map of the land to be entered of record in the county where the land is situated.

§ 11.] The purchaser may pay all or any installments of principal not yet due to any interest-paying date. If the purchaser so desires, he may pay the entire balance due on the contract, plus accrued interest to date of payment, at any time, and he will then be entitled to proper conveyance. Payment for school or institutional lands purchased under the provisions of chapter 15-09 the North Dakota Revised Code of 1943 may be made at any time.

§ 12. REPEAL.] Sections 15-0603, 15-0604, 15-0605, 15-0606, 15-0607, 15-0608, 15-0609, 15-0610, 15-0611, 15-0612, 15-0613, 15-0614, 15-0615, 15-0616, and 15-0617 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 17, 1947.

CHAPTER 161

H. B. No. 6

(Representative Langley and Legislative Research Committee at the request of Attorney General)

SALE OF STUMPAGE ON SCHOOL LANDS
GARRISON DAM AREA

AN ACT

To provide for the sale of stumpage on school lands about to be flooded by the dam about to be built across the Missouri river and commonly known as the Garrison dam, and any other dams, and declaring an emergency.

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

§ 1. SALES AUTHORIZED.] The board of university and school lands is hereby authorized and empowered to sell the stumpage on all lands belonging to the various permanent school funds of the state which are about to be or may hereafter be flooded by the dam about to be built by the United States government across the Missouri river in the state of North Dakota and commonly known as the Garrison dam, and all other dams constructed in North Dakota by or under authority of the United States, such stumpage to be sold on government subdivisions of forty acre, eighty acre, or one hundred sixty acre tracts.

§ 2. APPLICATIONS TO PURCHASE.] Applications may be made in writing for the purchase, in tracts as hereinbefore provided, to the commissioner of university and school lands. The applicant shall state the amount he will pay for the tract applied for and shall deposit such sum with the application as shall, in the estimation of such commissioner, cover the cost incurred in advertising and making such sale as herein-after provided.

§ 3. PROCEDURE.] After an application for the purchase of such stumpage has been received and approved by the said board of university and school lands, the said commissioner shall advertise such proposed sale by notice published for two successive weeks in a legal newspaper published near said land. Such notice shall state the place and time of sale, which time shall not be less than ten days after the last publication of said notice. Such notice shall also correctly describe the tract to be sold and the amount of the bid received therefor.

§ 4. SALE AT PUBLIC AUCTION.] All sales shall be made at public auction to the highest and best bidder for cash.

§ 5. CONVEYANCE.] Upon the sale as aforesaid, the state shall convey the stumpage purchased to the purchaser by bill of sale duly executed in the name of the state of North Dakota by the commissioner of university and school lands.

§ 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 February 11, 1947.

CHAPTER 162

S. B. No. 247 (Committee on Education)

EXPENDITURES ETC. STATE EQUALIZATION EMERGENCY FUND

AN ACT

To amend and reenact the following sections of the North Dakota Revised Code of 1943: Section 15-4007, relating to the expenditure of the emergency fund of the state equalization fund, the maximum financial effort defined and requirements; section 15-4011 as amended and reenacted by section 1 of chapter 169 of the Session Laws of North Dakota for the year 1945, relating to the determination of sums due school districts from the state equalization fund on the per pupil basis; section 15-4012 as amended and reenacted by section 2 of chapter 169 of the Session Laws of North Dakota for the year 1945, relating to the distribution of payments on the per pupil basis from the state equalization fund; and section 15-4018 as amended and reenacted by Chapter 170 of the Session Laws of North Dakota for the year 1945, relating to the payment from the state equalization fund on the teacher-unit basis, and providing additional distribution on the teacher-unit basis of any unused balance in the state equalization fund.

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

§ 1. AMENDMENT.] That section 15-4007 of 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 maximum mill levy, which means that in addition to having

provided for the normal maximum levy it shall have held an election and increased the normal maximum levy by at least the twenty-five percent increase allowed by the law. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread. A district in which the debt service levy of the district is twice as large as the normal maximum levy, shall not be required to vote at least twenty-five percent increase, but shall be required to make only the normal maximum levy;

2. That revenues from local taxes, and from state and county sources, have been exhausted;
3. That the district is unable to sell certificates of indebtedness, in the manner provided by law, in an amount sufficient to maintain adequate school facilities; or that it is unable to issue either further certificates of indebtedness or registered warrants, or, if able to issue the same, that they cannot be marketed;
4. That the budget of the school district for the fiscal year has been approved by the superintendent of public instruction. Such budget must include an itemized and certified statement of the financial condition of the school district as of the then current date;
5. That the school district has a reasonable teacher-pupil ratio.

§ 2. AMENDMENT.] That section 15-4011 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 169 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4011. DETERMINATION OF SUMS DUE DISTRICTS ON PER PUPIL BASIS: REPORT OF COUNTY SUPERINTENDENTS OF SCHOOLS.] The moneys appropriated to the fund by the legislative assembly from time to time for distribution to the school districts on a per pupil basis shall be distributed to the districts in amounts to be determined as follows:

1. The county superintendent of schools of each county, on forms supplied by the superintendent of public instruction, and on or before the first day of August in each year, shall report to the superintendent of public instruction:
 - a. The number of certificated teachers employed in each district in the county;

- b. The salary of each of such teachers;
 - c. The number of bona fide resident students who actually were enrolled in each school in each district at the end of the preceding school year and who attended such schools for ninety days or during such year; and
 - d. The assessed valuation of the property in each district on which taxes were levied for the preceding school year. Such assessed valuation shall be certified by the county auditor; and
 - e. The schools included within each school district of the county;
2. Where there are less than twenty pupils enrolled in a one teacher school, the enrollment, for the purposes of calculating payment, shall be considered as an enrollment of twenty pupils;
 3. In districts in which there are more than twenty pupils per teacher, the number of pupils used in calculating the payments shall be arrived at by multiplying the number of teachers in the district by twenty and adding to such product seventy per cent (70%) of the difference between such product and the number of bona fide resident pupils enrolled in schools of the district;
 4. The superintendent of public instruction shall divide the assessed taxable valuation of the district as shown by the report of the county superintendent of schools by the number of bona fide resident pupils in the district determined under the provisions of this section to the assessed taxable valuation per pupil in the district, and the moneys appropriated for per pupil payment shall be paid to the several school districts in the state in amounts inversely proportional to the assessed taxable valuation per pupil in the district. He shall determine the per pupil payments from the following table:

Taxable valuation per pupil	Payment per pupil
5851-6000	\$.50
5701-5850	1.00
5551-5700	1.50
5401-5550	2.00
5251-5400	2.50
5101-5250	3.00
4951-5100	3.50
4801-4950	4.00

4651-4800	4.50
4501-4650	5.00
4351-4500	5.50
4201-4350	6.00
4051-4200	6.50
3901-4050	7.00
3751-3900	7.50
3601-3750	8.00
3451-3600	8.50
3301-3450	9.00
3151-3300	10.00
3001-3150	11.00
2651-3000	12.00
2701-2850	13.00
2551-2700	14.00
2401-2550	15.00
2251-2400	16.00
2101-2250	17.00
1951-2100	18.00
1801-1950	19.00
1800 or less	20.00

The per pupil payment for the district multiplied by the number of bona fide pupils in such district as used in determining the assessed valuation per pupil shall be the amount of the payment to the districts.

§ 3. AMENDMENT.] That section 15-4012 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 169 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4012. DISTRIBUTION OF PAYMENTS ON PER PUPIL BASIS.] Each school district shall receive one-half of the amount which the superintendent of public instruction has determined to be due to it immediately upon the completion of calculations. The balance of such amount shall be paid on or before April first of each year. When the school term in a district is one of less than nine months, the superintendent shall determine the percentage which such term for which the schools in such district are open bears to a nine month term, and such payments shall be only such percentage of the full payment permitted under section 15-4011. For the 1947-1948 school year a school district which has levied taxes for general purposes during the previous year:

1. Up to its normal maximum levy, shall receive the full per pupil payment;
2. Within one mill of its normal maximum levy, shall

receive only seventy-five percent of the full per pupil payment;

3. Within two mills of its normal maximum levy, shall receive only fifty percent of the full per pupil payment;
4. Within three mills of its normal maximum levy, shall receive only twenty-five percent of the full per pupil payment;
5. Which is not within three mills of its normal levy shall receive no per pupil payment from the fund.

Thereafter a school district which has levied taxes for general purposes during the previous year:

1. Within four mills of its normal maximum levy, shall receive the full per pupil payment;
2. Within five and one-half mills of its normal maximum levy, shall receive only seventy-five percent of the full per pupil payment;
3. Within seven mills of its normal maximum levy, shall receive only fifty percent of the full per pupil payment;
4. Within eight and one-half mills of its normal maximum levy, shall receive only twenty-five percent of the full per pupil payment;
5. Which is not within eight and one-half mills of its normal levy shall receive no per pupil payment from the fund.

The per pupil payments made to a school district shall not exceed fifty percent of the salaries paid by such district to the teachers thereof during the then current year. The state auditor shall make the per pupil payments on certificates issued by the superintendent of public instruction.

§ 4. AMENDMENT.] That section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county superintendent of schools, its statement giving the name of each teacher employed within the district, the number of each teacher's certificate, and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who has not been certificated by

the superintendent of public instruction or who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

1. To a school employing one to four teachers, three hundred dollars per year for each grade or high school teacher-unit maintained by such district during the then current year;
2. To a school employing more than four teachers two hundred fifty dollars per year for each grade or high school teacher-unit maintained by such district during the then current year,

subject to the restrictions contained in this section. For the 1947-48 school year a school district which levied for general purposes during the preceding year up to its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within one mill of its normal maximum levy shall receive seventy-five percent of such payment. A school district which levied for such purposes during the preceding year within two mills of its normal maximum levy shall receive fifty percent of such payment. A school district which levied for such purposes during the preceding year within three mills of its normal maximum levy shall receive twenty-five percent of such payment, and a district which has not levied for such purposes during the preceding year within three mills of its normal maximum levy shall receive no payment on the teacher-unit basis.

Thereafter a school district which has levied taxes for general purposes during the preceding year within four mills of its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within five and one-half mills of its normal maximum levy shall receive seventy-five percent of such payment. A school district which levied for such purposes during the preceding year within seven mills of its normal maximum levy shall receive fifty percent of such payment. A school district which levied for such purposes during the preceding year within eight and one-half mills of its normal maximum levy shall receive twenty-five percent of such payment, and a district which has not levied for such purposes during the preceding year within eight and one-half mills of its normal maximum levy shall receive no payment on the teacher-unit basis. If the school term in the district is one of less than nine months, the payments on a teacher-unit basis shall be such fractional

part of the full payment to which the district is entitled as is indicated by the ratio which the number of months the school actually is opened bears to nine.

Approved March 21, 1947.

CHAPTER 163

S. B. No. 249

(Committee on Education)

MAXIMUM FINANCIAL EFFORT REQUIREMENTS STATE EQUALIZATION EMERGENCY FUND

AN ACT

To amend and reenact section 15-4007 of the North Dakota Revised Code of 1943 relating to the financial effort necessary for a school district to participate in the emergency fund of the state equalization fund, and declaring an emergency.

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

§ 1. AMENDMENT.] That section 15-4007 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4007. EXPENDITURE 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 maximum mill levy, which means that in addition to having provided for the normal maximum levy it shall have held an election and increased the normal maximum levy by at least the sixty percent increase allowed by law, except that after July 1, 1947, an increase of at least twenty-five percent of the normal maximum levy for the general fund shall be sufficient. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread. A district in which the debt service levy of the district is twice as large as the normal levy, shall not be required to vote at least twenty-five percent increase, but shall be required to make only the normal maximum levy;
2. That revenues from local taxes, and from state and county sources, have been exhausted;

3. That the district is unable to sell certificates of indebtedness, in the manner provided by law, in an amount sufficient to maintain adequate school facilities; or that it is unable to issue either further certificates of indebtedness or registered warrants, or, if able to issue the same, that they cannot be marketed;
4. That the budget of the school district for the fiscal year has been approved by the superintendent of public instruction. Such budget must include an itemized and certified statement of the financial condition of the school district as of the then current date;
5. That the school district has a reasonable teacher-pupil ratio; and

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

Approved March 21, 1947.

CHAPTER 164

S. B. No. 248 (Committee on Education)

PAYMENTS ON UNIT BASIS STATE EQUALIZATION FUND

AN ACT

To amend and reenact section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945 relating to the payments from the state equalization fund on teacher-unit basis until July 1, 1947; providing for additional distribution on teacher-unit basis of any unused balances in said state equalization fund; and declaring an emergency.

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

§ 1. AMENDMENT.] That section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county

superintendent of schools, its statement giving the name of each teacher employed within the district and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

1. To a school employing one to four teachers, three hundred dollars per year for each grade or high school teacher-unit maintained by such district during the then current year;
2. To a school employing more than four teachers, two hundred fifty dollars per year for each grade or high school teacher-unit maintained by such district during the then current year,

subject to the restrictions contained in this section. A school district which levied for general purposes during the preceding year within seven mills of its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within eight mills of its normal maximum levy shall receive seventy-five per cent of such payment. A school district which levied for such purposes during the preceding year within nine mills of its normal maximum levy shall receive fifty per cent of such payment. A school district which levied for such purposes during the preceding year within ten mills of its normal maximum levy shall receive twenty-five per cent of such payment, and a district which has not levied for such purposes during the preceding year within ten mills of its normal maximum levy shall receive no payment on the teacher-unit basis. If the school term in the district is one of less than nine months, the payments on a teacher-unit basis shall be such fractional part of the full payment to which the district is entitled as is indicated by the ratio which the number of months the school actually is opened bears to nine.

§ 2. LIMITATION OF ACT.] This Act shall be operative until July 1, 1947, but such payments may be made up to October 1, 1947.

§ 3. 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 21, 1947.

CHAPTER 165

S. B. No. 103 (Dahlen)

TEACHERS RETIREMENT ANNUITIES**AN ACT**

To Amend and Re-enact Section 15-3928 of the North Dakota Revised Code of 1943, Relating to Retirement Annuities under the Provisions of the Teachers' Insurance and Retirement Laws of this State.

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

§ 1. AMENDMENT.] That Section 15-3928 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-3928. RETIREMENT ANNUITY.] Each teacher who shall have retired from service in the public schools, or state institutions under the provisions of section 15-3927 shall be entitled to receive an annuity as follows:

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he, annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter;
2. If any said teacher shall have attained the age of fifty years but shall not have attained the age of fifty-five years at the time of his application for the annuity, he shall be entitled, at the age of fifty years or thereafter, to receive a reduced annuity which shall be the actuarial equivalent of the one which would have been received upon the attainment of the age of fifty-five years, according to standard annuity tables, and at an interest rate specified from time to time by the board. Any such teacher, at his option, may defer applying for the annuity until the attainment of the age of fifty-five years;
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.

No annuity payments shall commence before the applicant shall have arrived at the age of fifty years except in the case of retirement based on disability as provided in section 15-3927.

Approved February 25, 1947.

CHAPTER 166

S. B. No. 104 (Dahlen)

ASSESSMENTS TEACHERS RETIREMENT

AN ACT

To Amend and Re-enact Section 15-3914 of the North Dakota Revised Code of 1943, Relating to the Amount of Assessments Payable by Teachers Under the Teacher's Insurance and Retirement Fund Law of the State of North Dakota.

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

§ 1. AMENDMENT.] That section 15-3914 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted 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. Two percent per annum, but not more than forty 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 eighty dollars per year, for each of the second eight years of service as a teacher; and
3. Six percent per annum, but not more than one hundred twenty 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 the annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement.

Approved February 25, 1947.

CHAPTER 167

S. B. No. 105 (Dahlen)

EMPLOYER CONTRIBUTION TEACHERS RETIREMENT AN ACT

Amending and Re-enacting Sections 15-3917 and 15-3921 of the North Dakota Revised Code of 1943, to provide for the making of a contribution to the teacher's insurance and retirement fund by every employer of a teacher who is a member of such fund in an amount equal to the assessment upon the salary of such teacher.

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

§ 1. AMENDMENT.] That Section 15-3917 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted 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, and such contributions shall be forwarded to the treasurer of the county, together with a statement thereof, 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.

§ 2. AMENDMENT.] That section 15-3921 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted 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, and 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 who 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.

Approved February 15, 1947.

CHAPTER 168**H. B. No. 275 (Education Committee)****WITHDRAWAL, DEATH, REFUNDS TEACHERS INSURANCE
AND RETIREMENT FUND****AN ACT**

To amend and reenact section 15-3940 of the North Dakota Revised Code of 1943, relating to the withdrawal of a member from the Teachers' Retirement Fund, or death of a member, and refunds, under the provisions of the Teachers' Insurance and Retirement laws of this state.

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

§ 1. AMENDMENT.] That section 15-3940 of 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 his resignation, shall be entitled to the return of the full amount which he has paid into the fund 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 shall be entitled to receive from the fund the total amount, without interest which shall have been paid into the fund by the deceased teacher.

Approved March 22, 1947.

CHAPTER 169

S. B. No. 34

(Brant for Legislative Research Committee at
the request of Board of Higher Education)

VOCATIONAL EDUCATION—ACCEPTANCE, CUSTODIAN, STATE
BOARD, STATE DIRECTOR, ETC.

AN ACT

To amend and reenact Sections 15-2001, 15-2002, 15-2003, 15-2004, 15-2006
and 15-2010 of the North Dakota Revised Code of 1943, relating to
vocational education.

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

§ 1. AMENDMENT.] That Section 15-2001 of the North
Dakota Revised Code of 1943 is hereby amended and reen-
acted to read as follows:

15-2001. VOCATIONAL EDUCATION; ACCEPTANCE OF BEN-
EFITS OF FEDERAL ACT.] The state of North Dakota accepts
all of the provisions and benefits of the following act adopted
by the congress of the United States of America:

1. "An Act to provide for the promotion of vocational
education, to provide for cooperation with the states
in the promotion of vocational education, to provide
for cooperation with the states in the promotion of
such education in agriculture and trades and indus-
tries; to provide for cooperation with the states in
the preparation of teachers of vocational subjects;
and to appropriate money and regulate its expendi-
tures," approved February twenty-third, 1917.

§ 2. AMENDMENT.] That Section 15-2002 of the North
Dakota Revised Code of 1943 is hereby amended and reen-
acted to read as follows:

15-2002. STATE TREASURER IS CUSTODIAN OF VOCA-
TIONAL EDUCATION FUNDS.] The state treasurer shall be
the custodian of all moneys received by this state from any
appropriations made under the act of congress described in
Section 15-2001, and he is authorized to receive and to pro-
vide for the proper custody of such moneys and to make
disbursements thereof in the manner provided in such act
of congress and for the purpose specified in such act. He
shall pay out any moneys appropriated by this state for the
purpose of carrying out any of the provisions of this Chapter
upon the order of the state board of higher education.

§ 3. AMENDMENT.] That Section 15-2003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2003. STATE BOARD FOR VOCATIONAL EDUCATION: STATE DIRECTOR FOR VOCATIONAL EDUCATION; APPOINTMENT, QUALIFICATIONS, ASSISTANTS, DUTIES.] The state board of higher education shall be the state board for vocational education. The state board of higher education shall appoint a state director and executive officer for vocational education who shall be charged with the administration, under the direction and supervision of the board, of the provisions of this Chapter relating to vocational education. The board shall designate such assistants to the director as may be necessary to carry out the provisions of this Chapter. The duties, terms of office, and compensation of the director and of his assistants shall be determined by the board. The director shall be a graduate of a standard college or university. He shall enforce such rules and regulations as the board may adopt and shall prepare such reports concerning vocational education as the board may require.

§ 4. AMENDMENT.] That Section 15-2004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2004. POWERS AND DUTIES OF STATE BOARD OF HIGHER EDUCATION RELATING TO VOCATIONAL EDUCATION.] The state board of higher education shall have all authority necessary to cooperate with the United States Office of Education in the federal security agency or other department or agency of the United States of America in the administration of the act of congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with the act of congress relating to vocational education;
2. To administer the funds provided by the federal government and by this state for the promotion of vocational education in agricultural, trade, industrial, home economics and distributive occupational subjects;
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state;
4. To provide for the preparation of teachers of the subjects mentioned in this Section;

5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this Chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose;
6. To make studies and investigations relating to vocational education;
7. To promote and aid in the establishments of schools, departments, or classes giving training in the subjects mentioned in this Section, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes;
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors in the subjects mentioned in this Section; and
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

§ 5. AMENDMENT.] That Section 15-2006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

§ 6. AMENDMENT.] That Section 15-2010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2010. REPORT OF STATE BOARD OF HIGHER EDUCATION TO GOVERNOR.] The state board of higher education, in its biennial report to the governor covering the operations of the educational institutions under its control, shall set forth:

1. The condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a statement of the expenditures of federal and state funds for that purpose.

Approved March 6, 1947.

CHAPTER 170

S. B. No. 35

(Brant for Legislative Research Committee at the request of Board of Higher Education.)

VOCATIONAL REHABILITATION DISABLED PERSONS— ACCEPTANCE, DIRECTOR, ETC.

AN ACT

Accepting the benefits of the vocational rehabilitation act approved by congress on July 6, 1943; providing for a division of vocational rehabilitation and the administration thereof; and repealing Sections 15-2005, 15-2007, 15-2009 of the North Dakota Revised Code of 1943.

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

§ 1. VOCATIONAL REHABILITATION; ACCEPTANCE OF BENEFITS OF FEDERAL ACTS.] The state of North Dakota accepts all of the provisions and benefits of an Act adopted by the congress of the United States of America, entitled:

1. "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment." H. R. 4438 approved June 2, 1920 and as amended by H. R. 2536 approved July 6, 1943.

§ 2. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State board" shall mean the state board of vocational education which is the state board of higher education;

2. "Division" shall mean the division of vocational rehabilitation established by this Act;
3. "Director" shall mean the director of the division of vocational rehabilitation;
4. "Executive officer of the board" shall mean the officer who directs the policy making and coordinating levels of the division of vocational rehabilitation;
5. "Employment handicap" shall mean a physical or mental condition which constitutes, contributes to or if not corrected will probably result in an obstruction to occupational performance;
6. "Disabled individual" shall mean any person who has a substantial employment handicap;
7. "Vocational rehabilitation" and "vocational rehabilitation services" shall mean any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counselling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, and training books and materials;
8. "Rehabilitation training" shall mean all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, pre-conditioning, pre-vocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities;
9. "Physical restoration" shall mean any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions;
10. "Prosthetic appliance" shall mean any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ;

11. "Occupational licenses" shall mean any license, permit or written authority required by any governmental unit to be obtained in order to engage in an occupation;
12. "Maintenance" shall mean money payments not exceeding the estimated cost of subsistence during vocational rehabilitation; and
13. "Regulations" shall mean regulations made by the director with the approval of the state board.

§ 3. DIRECTOR OF DIVISION OF VOCATIONAL REHABILITATION AND EXECUTIVE OFFICER OF THE BOARD.] The state board shall contain a division of vocational rehabilitation. The division shall be administered, under the general supervision and direction of the state board, by a director who shall also be the executive officer of the state board, appointed by such board in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this Act, the director:

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

7. May delegate, with the approval of the state board, to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this Act.

§ 4. ADMINISTRATION OF VOCATIONAL REHABILITATION.] Except as otherwise provided by law, the state board, through the division, shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor. In carrying out the purposes of this Act, the division among other things, may:

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

§ 5. COOPERATION WITH FEDERAL GOVERNMENT.] The state board, through the division, shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

§ 6. RECEIPT AND DISBURSEMENT OF VOCATIONAL REHABILITATION FUNDS.] The state treasurer shall be the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation. The state treasurer shall make disbursements from such funds and from all state funds available for vocational rehabilitation purposes upon the requisition of the board upon the state auditor who shall draw his warrant upon the state treasurer for the amount for which requisition is made.

§ 7. GIFTS: AUTHORIZATION TO ACCEPT AND USE.] The director, with the approval of the state board, may accept

and use gifts made unconditionally by will or otherwise for carrying out the purposes of this Act. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this Act may be so accepted and shall be held, invested, and reinvested, and used in accordance with the conditions of the gift.

§ 8. REHABILITATION SERVICES PROVIDED TO ANY DISABLED INDIVIDUAL; ELIGIBILITY.] Vocational rehabilitation services shall be provided to any disabled individual who is:

1. A resident of the state at the time of filing his application therefor and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved; or
2. Eligible therefor under the terms of an agreement with another state or with the federal government.

§ 9. REHABILITATION SERVICES PROVIDED TO DISABLED INDIVIDUALS REQUIRING FINANCIAL ASSISTANCE.] Except as may be otherwise provided by law or as may be specified in any agreement with the federal government with respect to classes of individuals certified to the state board thereunder, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

1. Physical restoration;
2. Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary;
3. Occupational licenses;
4. Customary occupational tools and equipment;
5. Maintenance; and
6. Training books and materials.

§ 10. MAINTENANCE NOT ASSIGNABLE.] The right of a disabled individual to maintenance under this Act shall not be transferable or assignable at law or in equity.

§ 11. HEARINGS ALLOWED TO AGGRIEVED PERSONS.] Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board.

§ 12. MISUSE OF VOCATIONAL REHABILITATION LISTS AND RECORDS.] It shall be unlawful, except for purposes di-

rectly connected with the administration of the vocational rehabilitation program, and in accordance with regulations for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning persons applying or receiving vocational rehabilitation, directly, or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

§ 13. LIMITATION OF POLITICAL ACTIVITY.] No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority or influence or permit the use of the vocational rehabilitation program for the purposes of interfering with an election or affecting the results thereof or for any partisan political purposes. No such officer or employee shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinion as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

§ 14. REPORT TO GOVERNOR BY STATE BOARD.] The state board, in its biennial report to the governor covering the operations of the educational institutions under its control shall set forth:

1. The condition of vocational rehabilitation education in the state, a list of schools to which federal and state aid in vocational rehabilitation has been given, and a detailed statement of expenditures of federal and state funds for that purpose.

§ 15. REPEAL CLAUSE.] Sections 15-2005, 15-2007, and 15-2009 of the North Dakota Revised Code of 1943 and all acts and parts of acts in conflict herewith are hereby repealed.

§ 16. SEPARABILITY.] If any provisions of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 17. SAVINGS CLAUSE.] The legislature reserves the right to amend or repeal all or any part of this Act at any

time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this Act at any time.

Approved March 6, 1947.

ELECTIONS

CHAPTER 171

S. B. No. 232—(Judiciary Committee)

REGULATING BALLOTS, PETITIONS, NOMINATIONS, ETC.

AN ACT

Amending and reenacting the following sections of the North Dakota Revised Code of 1943: 16-0804 as amended and reenacted by section 1 of chapter 18 of the Special Session Laws of North Dakota for the year 1944; 16-1805 as amended and reenacted by section 2 of chapter 16 of the Special Session Laws of North Dakota for the year 1944; 16-1811 as amended and reenacted by section 1 of chapter 17 of the Special Session Laws of North Dakota for the year 1944; 16-1813 as amended and reenacted by section 1 and 2 of chapter 17 of the Special Session Laws of North Dakota for the year 1944; 16-1814 as amended and reenacted by section 2 of chapter 17 of the Special Session Laws of North Dakota for the year 1944; 16-0404, 16-0405 and 16-0406 as amended and reenacted by section 1 of chapter 19 of the Special Session Laws of North Dakota for the year 1944; 16-0503 as amended and reenacted by section 1 of chapter 20 of the Special Session Laws of North Dakota for the year 1944; 16-0504 as amended and reenacted by section 2 of chapter 20 of the Special Session Laws of North Dakota for the year 1944; 16-0402 and 16-0403 as amended and reenacted by section 1 of chapter 21 of the Special Session Laws of North Dakota for the year 1944; 16-0505 as amended and reenacted by section 1 of chapter 22 of the Special Session Laws of North Dakota for the year 1944; 16-0107 as amended and reenacted by section 1 of chapter 23 of the Special Session Laws of North Dakota for the year 1944; 16-0402 as amended and reenacted by section 1 of chapter 24 of the Special Session Laws of North Dakota for the year 1944; 16-0807 as amended and reenacted by section 1 of chapter 25 of the Special Session Laws of North Dakota for the year 1944; 16-1703 as amended and reenacted by section 2 of chapter 26 of the Special Session Laws of North Dakota for the year 1944; relating to elections and declaring an emergency.

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

§ 1. AMENDMENT.] That section 16-0804 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 18 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0804. BALLOTS FURNISHED AUDITOR, WHEN.] It shall be the duty of the secretary of state, county auditor, or any other officer by law required to prepare any general or

primary election ballots, to prepare and have printed and delivered to the county auditor at least twenty days prior to the holding of any general or primary election, a sufficient number of absent voter ballots provided for by law for the use of all voters likely to be absent from such county on the day of such election.

§ 2. AMENDMENT.] That section 16-1805 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 16 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-1805. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within thirty days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability, or who is in the military or naval service or the merchant marines of the United States of America and, is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 3. AMENDMENT.] That section 16-1811 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 17 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-1811. ABSENT VOTER BALLOT: HOW SENT.] It shall be the duty of each county auditor, as soon as possible after the printing of the ballots for any primary or general election to send such absent voter ballot to such elector in the manner provided in section 16-1809 of the North Dakota Revised Code of 1943.

§ 4. AMENDMENT.] That section 16-1813 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 and 2 of chapter 17 of the Special Session Laws of 1944 is hereby amended and reenacted to read as follows:

16-1813. MARKING AND RETURN OF BALLOTS.] The affidavit provided for in section 16-1809 may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the administrator of the war shipping administration is authorized to administer and attest such oaths as are required

by the laws of this state. Such affidavit need not have any venue. A person in the military or naval service shall mark the ballot in the presence of such officer, and no other person, in the manner provided in section 16-1810 and shall be returned to the county auditor in accordance with the provisions of section 16-1810.

§ 5. AMENDMENT.] That section 16-1814 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 17 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-1814. CANVASSING OF ABSENT VOTERS' BALLOTS OF SOLDIERS AND SAILORS.] The county auditor, upon receipt of an envelope containing an absent voters' ballot of a person engaged in the military or naval service of the United States shall proceed in the manner as provided in section 16-1815. If any such envelope is received by the county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 6. AMENDMENT.] That section 16-0404 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 19 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0404. COUNTY AND LEGISLATIVE DISTRICT CANDIDATES' PETITIONS; FILING; CONTENTS.] Every candidate for a county or district office shall not more than forty days nor less than thirty days and before four o'clock P. M. of the thirtieth day prior to any primary election present to the county auditor a petition giving his name, post office address, the title of the office to which he aspires, and if such office is under party designation, then the petition shall state the party represented by the candidate. Such petition shall contain the names of not less than two percent and not more than five percent of the total vote cast for said office at the last general election if the office be under no party designation, and if under party designation, then the same percentage shall be

applied to the total vote cast for the candidate of the party represented for the same position at the last general election. If no candidate was elected or votes cast for an office at the last general election, a petition shall be deemed sufficient if it has the number of signers equal to the number of the foregoing percentage requirements applied to the total average vote cast for the offices of sheriff, superintendent of schools and county auditor at the last general election in such county or district as the case may be, such average to be arrived at by dividing the total vote cast for said offices in such county or district as the case may be by three. Each name on a petition shall be that of a qualified voter and if the office is under party designation, then such name shall be subscribed under the proper party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing.

§ 7. AMENDMENT.] That section 16-0405 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 19 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0405. COUNTY AUDITOR TO PLACE APPLICANT'S NAME ON BALLOT; WHEN; FILING FEE FOR.] Upon the receipt of the petition provided for in section 16-0404 by the county auditor and the payment to him of the filing fee of three dollars, excepting candidates for county commissioner, district assessors, surveyors, coroner, county constables, and county justices of the peace, who shall pay no filing fee and when accompanied by an affidavit as provided in section 16-0403, such county auditor shall place the name of such applicant upon the primary election ballot in the party or no-party column, as the case may be. The filing fees received by the county auditor shall be turned over by him to the county treasurer to be covered into the general fund.

§ 8. AMENDMENT.] That section 16-0406 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 19 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0406. FILING PETITION WHEN LEGISLATIVE DISTRICT COMPOSED OF MORE THAN ONE COUNTY.] When a legislative district is composed of more than one county, the petition provided for in section 16-0404 shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the

other counties comprising such legislative districts the names of the candidates filing such petitions.

§ 9. AMENDMENT.] That section 16-0503 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 20 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0503. CERTIFICATE OF NOMINATION WHEN TO BE FILED.] Certificates of nomination to be filed with the secretary of state, shall be filed not less than forty days before the day fixed by law for election of persons in nomination and not later than 5:00 o'clock P. M. on the fortieth day, and certificates of nomination herein directed to be filed with the county auditor, shall be filed not less than thirty-five days before the day of election and not later than 5:00 o'clock P. M.; provided that in the case of nominations for special elections called to fill vacancies caused by death, resignation or otherwise, such certificates shall be filed not less than twenty-five days before the day of election and not later than 5:00 o'clock P. M., on the twenty-fifth day. The secretary of state and the several county auditors shall cause to be preserved in their respective offices for six months all certificates of nominations filed therein under the provisions of this Act. All such certificates shall be open to public inspection under proper regulations to be made by such officers.

§ 10. AMENDMENT.] That section 16-0504 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 20 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0504. SECRETARY OF STATE TO CERTIFY NOMINATIONS FOR STATE OFFICE.] Not less than thirty days nor more than thirty-five days before an election to fill any state or district office, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and post office address of each person nominated for such office as specified in the certificates of nomination filed with him. In case of a special election called to fill a vacancy the secretary of state shall so certify the names of such candidates not less than twenty days before such special election.

§ 11. AMENDMENT.] That section 16-0402 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 21 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0402. STATE CANDIDATE'S PETITION REQUIRED TO GET NAME ON BALLOT; CONTENTS OF PETITION.] Every candidate for United States senator, member of congress, state officers, judges of the supreme and district courts, shall not more than sixty days nor less than thirty days prior to a primary election, present to the secretary of state a petition giving his name, post office address, the title of the office to which he aspires, and the party which he represents, except that in the petition for the office of judge of the supreme court, judge of the district court, state superintendent of public instruction, and tax commissioner no reference shall be made to party affiliation. Such petition shall contain the names of three percent of the total vote cast for the candidates of the party with which he affiliates, for the same position at the last general election, except that in no case shall more than three hundred names be required. In a case where there is a candidate for the no-party ballot or where there was no candidate of a party for a position at the preceding general election, the nominating petition shall contain at least three hundred names. Each name on the petition shall be that of a legal voter and shall be subscribed under a certified party heading.

§ 12. AMENDMENT.] That section 16-0403 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 21 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0403. APPLICANT'S NAME PLACED UPON BALLOT; AFFIDAVIT TO ACCOMPANY PETITION.] Upon receipt by the secretary of state of the petition provided for in section 16-0402 accompanied by the following affidavit, he shall place the applicant's name upon the primary election ballot in the columns of his party as hereinafter provided. Said affidavit may be substantially as follows:

State of North Dakota }
 County of } ss.

I,, being duly sworn, depose and say that I reside in the county of and state of North Dakota; that I am a qualified voter therein; that I am a candidate for nomination to the office of to be chosen at the primary election to be held on the, 19..... and I do hereby request that my name be printed upon the primary election ballot as provided by law, as a candidate of the party for said office.

.....

Subscribed and sworn to before me, this
day of, 19.....

.....
Notary Public
North Dakota

§ 13. AMENDMENT.] That section 16-0505 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 22 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0505. IN CASE NOMINEE DECLINES, CERTIFICATE VOID.] Whenever any person nominated for public office under the provisions of this title shall, at least thirty days before election, in writing notify the officer with whom the certificate nominating him is filed that he declines such nomination, such nomination shall be void.

§ 14. AMENDMENT.] That section 16-0107 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 23 of the Special Session Laws of 1944 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 published in the manner prescribed by section 16-0509. Questions to be submitted to the people of the county shall be advertised in the same manner.

§ 15. AMENDMENT.] That section 16-0412 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 24 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0412. CERTIFIED LISTS OF NOMINEES: TRANSMITTED TO COUNTY AUDITOR BY SECRETARY OF STATE.] At least twenty-five days before any primary preceding a general election, the secretary of state shall transmit to each county auditor a certified list containing the names and post office addresses of each person for whom nomination papers have been filed in his office and who shall be entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

§ 16. AMENDMENT.] That section 16-0807 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 25 of Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-0807. VACANCY EXISTING ON NO-PARTY BALLOT; FILLING OF; PETITION REQUIRED.] Whenever a vacancy shall exist on the no-party ballot in any county or district within any county by reason of the death of any person who was a candidate and was nominated at the primary election, or whenever a vacancy shall exist on the no-party ballot due to the failure of a candidate or candidates at the primary election to receive the number of votes required by section 16-0429 or whenever a vacancy shall exist on the no-party ballot by the conviction of a candidate of a crime or offense involving moral turpitude, or due to the death, insanity or mental incompetency of any such candidate, then and in that event, such vacancy may be filled by filing with the county auditor at least thirty days prior to the general election a petition in writing as provided for in section 16-0404 stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any person to fill such vacancy shall be signed by at least twenty percent of the voters of such county or district, as shown by the total vote cast for governor at the last preceding general election in said county or district.

§ 17. AMENDMENT.] That section 16-1703 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 26 of the Special Session Laws of North Dakota for the year 1944 is hereby amended and reenacted to read as follows:

16-1703. PETITION TO PLACE NAME ON PRECINCT COMMITTEEMEN BALLOT; CONTENTS, REQUIREMENTS.] Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than fifty nor less than twenty-five days prior to the election petitions bearing the signatures of not less than five per cent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the provisions of chapter 4 of this title in all matters not specifically provided for in this chapter. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and shall be subscribed under a party heading. Each signer of a nomination paper shall be entitled to sign

the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

§ 18. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 21, 1947.

CHAPTER 172

H. B. No. 230—(Thompson, Lindberg, Wollitz)

PUBLICATION GENERAL ELECTION NOTICE AND SAMPLE BALLOT

AN ACT

To amend and reenact section 16-0602 and 16-1110 of the North Dakota Revised Code of 1943, relating to the notice required in general elections, contents thereof, and publication of such notice and sample general election ballot.

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

§ 1. AMENDMENT.] That section 16-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0602. NOTICE OF ELECTIONS: CONTENTS; PUBLICATION; POSTING; AFFIDAVIT OF POSTING.] Notice of any general election shall be published by the county auditor in the official county newspaper once each week for two consecutive weeks next preceding such election. Such notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the..... day of next, at the polling places in the various precincts in the county of an election will be held for the election of state, district, and county officers, which election will be opened at nine o'clock a. m. and will continue open until seven o'clock p. m. of that day. Dated this day of A. D., 19.....

(Signed).....

County Auditor

In addition to the publication required in this section, the county auditor shall publish for two consecutive weeks prior to the election in the official county newspaper and if no newspaper is published in the county in a newspaper published in an adjoining county in the state, a copy of the sample ballot of the general election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respects to the form prescribed for the sample general election ballot and the makeup and general form shall conform to that prescribed for said sample ballot, and shall be printed in either 6 point or 8 point type.

§ 2. AMENDMENT.] That section 16-1110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1110. COUNTY AUDITOR TO PROVIDE AND DISTRIBUTE BALLOTS: OTHER ELECTION SUPPLIES DELIVERED AT SAME TIME.] For each election precinct in his county, the county auditor shall provide the number of ballots for each precinct as he may deem necessary. At least five days before any election, each county auditor shall:

1. Have the ballots printed and the same may be inspected by any person at the office of such auditor.
2. Shall deliver to the inspector in each precinct the number of ballots and blank forms of poll books, blanks for election returns with the proper captions, forms of oaths and certificates, and tally sheets necessary to carry out the provisions of this title.

Approved March 15, 1947.

CHAPTER 173

H. B. No. 229—(Thompson, Lindberg, Wollitz)

PUBLICATION PRIMARY ELECTION NOTICE AND SAMPLE BALLOT
AN ACT

To amend and reenact section 16-0413 of the North Dakota Revised Code of 1943, relating to the duty of the county auditor to publish notice of primary election and sample ballot of such election, repealing Section 16-0414 and Section 16-0509 of the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.] That section 16-0413 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0413. COUNTY AUDITOR TO PUBLISH SAMPLE PRIMARY ELECTION BALLOT AND NOTICE OF TIME AND PLACE OF ELECTION.] The county auditor shall publish in the official county newspaper and if no newspaper is published in the county then in a newspaper published in an adjoining county in the state:

1. A copy of the sample ballot of the primary election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respects to the form prescribed for the sample primary ballot and the makeup and general form shall conform to that prescribed for said sample ballot, and shall be printed in either 6 point or 8 point type;
2. The date of the primary election;
3. The hours during which the polls will be open; and
4. The statement that the primary will be held in the regular polling place in each precinct.

Such notice shall be published in the official county newspaper once each week for at least two consecutive weeks prior to the primary election.

§ 2. REPEAL.] That Section 16-0414 and Section 16-0509 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 15, 1947.

CHAPTER 174

S. B. No. 160—(Page)

**BALLOT FOR PRECINCT COMMITTEEMEN; FORM AND CONTENTS
AN ACT**

To amend and reenact section 16-1705 of the North Dakota Revised Code of 1943, relative to ballots for precinct committeemen.

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

§ 1. AMENDMENT.] That section 16-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1705. **BALLOT FOR PRECINCT COMMITTEEMEN; FORM AND CONTENTS OF.]** The name of each candidate for election as precinct committeeman shall be printed on a separate ballot for each political party. Such ballot shall contain only the names of candidates for party precinct committeemen for whom nominating petitions have been filed with the county auditor as provided in section 16-1703. If no nominating petition has been filed for any candidate the ballot shall contain blank lines and spaces on which names may be written or a sticker pasted. Such ballot shall be in substantially the same form as the primary election ballot provided for. The ballot to be used for the election of precinct committeemen shall be prepared for each voting precinct in the county by the county auditor and shall be distributed by him with other election supplies in the manner in which the primary election ballots are distributed.

Approved March 7, 1947.

CHAPTER 175

S. B. No. 108—(Page)

SEPARATE PARTY BALLOT PRIMARY ELECTION—POLL LIST

AN ACT

To amend and reenact sections 16-0415, 16-0420 and 16-0426 of the North Dakota Revised Code of 1943, relative to primary election ballots and poll lists.

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

§ 1. AMENDMENT.] That Section 16-0415 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0415. PRIMARY ELECTION BALLOT; SEPARATE BALLOT FOR EACH POLITICAL PARTY; FORM.] At the primary election there shall be a separate ballot for each political party. At the top of each ballot shall be placed the name of the political party. Below the party name shall be placed the following language: "Put a cross mark (X) opposite the name of the candidate for whom you wish to vote." The name of each office shall appear in the center of the column at the head of the names of aspirants for such office. At the right of the name of each group of aspirants for each office shall be placed the language "Vote for name only." At the right of the name of each aspirant shall be placed a square for a cross mark.

§ 2. AMENDMENT.] That Section 16-0420 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0420. SEPARATE PRIMARY ELECTION BALLOT REQUIRED FOR EACH POLITICAL PARTY.] The following political parties shall be provided with separate primary election ballots:

1. The Republican party;
2. The Democrat party;
3. Any party which cast five percent of the total votes cast for governor at the last general election; and
4. Any other party, if a petition signed by fifteen thousand or more electors of this state is filed with the secretary of state on or before March 1st of any primary election year, asking that a ballot be provided for such party, naming it, and stating the platform

principles thereof. Candidates of such party shall be entitled to the same rights and privileges as those of other parties.

§ 3. AMENDMENT.] That Section 16-0426 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0426. REGISTRATION OF VOTERS NOT REQUIRED; POLL LISTS KEPT BY CLERKS OF ELECTIONS.] No registration of voters shall be required under the provisions of this chapter to vote at any primary election. The clerks of primary elections shall keep a list of the names of all persons voting at each primary election; the judges and inspectors of election shall hand to the voter the ballot of the political party which such voter calls for. No record shall be kept of the ballot called for or delivered to such voter and no officer of the election board shall disclose the kind of the ballot called for by any such voter. The clerk shall return one list and one tally sheet, which shall be a part of the records and filed with other election returns.

Approved March 7, 1947.

CHAPTER 176

S. B. No. 117—(Streibel, Shure, Brunsdale and Nelson of McKenzie)

INITIATED OR REFERRED MEASURES; NUMERICAL BALLOT ORDER AN ACT

Requiring the secretary of state to number initiated or referred measures in the order the petitions are received and then to submit them to the electors by their number and ballot title; and declaring an emergency.

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

§ 1.] Each measure initiated by or referred to the electors shall be numbered in the order received and shall be submitted to the electors by number and ballot title and shall be placed upon the ballot by the secretary of state.

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

Approved March 6, 1947.

CHAPTER 177

H. B. No. 147—(Bymers, Erickson, Sticka, Haugland)

COMPENSATION INSPECTORS, JUDGES, CLERKS OF ELECTION**AN ACT**

To amend and reenact section 16-1016 of the North Dakota Revised Code of 1943, relating to compensation of inspectors, judges, and clerks of election.

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

§ 1. AMENDMENT.] That section 16-1016 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1016. COMPENSATION OF INSPECTOR, JUDGES, AND CLERKS OF ELECTION.] Each inspector, judge, or clerk of any state-wide primary, general, or special election, for services performed by him 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 March 3, 1947.

CHAPTER 178

H. B. No. 136—(Fitch and Graham)

PAYMENT OF EXPENSES OF DELEGATES TO NATIONAL CONVENTIONS**AN ACT**

Providing for payment of expenses of delegates to national conventions of political parties recognized as such by the laws of the State of North Dakota; fixing the maximum of expenses allowed for each delegate; providing for the auditing of such expense accounts by the state auditing board, and making an appropriation for the payment thereof.

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

§ 1.] Every delegate to a national convention of a political party recognized as such organization by the laws

of the State of North Dakota, shall be paid from the state treasury the amount of his actual necessary travelling expenses, as his account may be audited and allowed by the state auditing board, for actual attendance upon said convention; but in no case shall the amount so audited, allowed and paid, exceed the sum of two hundred dollars for each delegate allowed by the political party. Delegates of political parties elected for such national conventions are not subject to the direct primary law, and shall be certified in like manner as nominations candidates of such parties for election to public office. Every such delegate to a national convention which nominated candidates for president and vice-president shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and North Dakota, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by the voters at said election.

§ 2. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, a sum sufficient to pay the expenses of such delegates to a national convention, in the amount audited by the state auditing board, as provided in Section 1 hereof.

Approved March 15, 1947.

FIRES

CHAPTER 179

S. B. No. 15

(Brant for Legislative Research Committee at the request
of Office of State Examiner)

FIREMEN'S RELIEF ASSOCIATION AND PENSION FUND— EXAMINATION, ETC. STATE EXAMINER

AN ACT

To amend and reenact Section 18-0513 of the North Dakota Revised Code of 1943 relating to firemen's relief association and pension fund, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 18-0513 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

18-0513. STATE EXAMINER TO EXAMINE BOOKS OF RELIEF ASSOCIATION; REPORT OF UNAUTHORIZED SPENDING TO GOVERNOR; DUTY OF GOVERNOR.] The state examiner, annually shall examine the books and accounts of the secretary and treasurer of each firemen's relief association receiving funds under the provisions of this chapter. If he finds that the money, or any part of it, has been or is being expended for unauthorized purposes, he shall report the facts to the governor. Thereupon, the governor shall direct the state auditor not to issue any warrants for the benefits of the fire department or relief association of the municipality in which such association is organized until it shall be made to appear to the state examiner, who shall report the fact to the governor, that all moneys wrongfully expended have been replaced. The governor may take such further action as the emergency may demand. Each firemen's relief association shall pay into the state treasury fees for such annual examinations at the same rate as fixed by Section 6-0121 of the North Dakota Revised Code of 1943 for the examination of the books and accounts of city auditors and city treasurers.

§ 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, 1947.

CHAPTER 180

H. B. No. 166

(Brady, Fleck and Smart)

INSURANCE TAX APPORTIONMENT BY MUNICIPALITY**AN ACT**

To amend and reenact Section 18-0504 of the North Dakota Revised Code of 1943 providing for apportioning the insurance tax received by municipality.

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

§ 1. AMENDMENT.] Section 18-0504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0504. APPORTIONING INSURANCE TAX RECEIVED BY MUNICIPALITY.] The amount received under Section 18-0406 by the municipal treasurer in a municipality having a paid fire department and a duly organized and incorporated firemen's relief association except as hereinafter provided shall be apportioned as follows: one-half thereof shall be placed in a fund to be disbursed by the governing body in maintaining the fire department, and one-half thereof shall be paid to the treasurer of the firemen's relief association. Instead of making such apportionment the governing body in its discretion may pay all or any portion of the one-half of the amount so received which would otherwise be disbursed in maintaining the fire department to the treasurer of the firemen's relief association if its financial condition shall make such disposition necessary or advisable.

Approved March 7, 1947.

FOODS, DRUGS, OILS & COMPOUNDS

CHAPTER 181

S.B. No. 132

(Olson of Barnes, Foss, Bridston and Kamrath)

APPOINTMENT, ETC. DIRECTOR STATE LABORATORY DEPARTMENT AN ACT

To amend and reenact section 19-0103 of the North Dakota Revised Code of 1943 relating to director of state laboratories department.

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

§ 1. AMENDMENT.] That section 19-0103 of the North Dakota Revised Code of 1943 be and the same 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 not more than thirty-six hundred dollars, payable monthly.

Approved March 15, 1947.

CHAPTER 182

S. B. No. 211—(Drew)

INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

AN ACT

Relating to the distribution, sale, or transportation of adulterated or misbranded insecticides, fungicides, rodenticides, and other economic poisons and devices; regulating traffic therein; providing for registration and examination of such materials, imposing penalties, and for other purposes, and repealing chapter 19-12 of the North Dakota Revised Code of 1943, and providing for an emergency.

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

§ 1. TITLE.] This Act may be cited as the Insecticide, Fungicide, and Rodenticide Act of 1947.

§ 2. DEFINITIONS.] For the purpose of this Act, unless the context or subject otherwise requires:

1. "Economic poison" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest;
2. "Device" shall mean any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi or weeds, or such other pests as may be designated by the commissioner, but not including equipment used for the application of economic poisons when sold separately therefrom or rodent traps;
3. "Insecticide" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever;
4. "Fungicide" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi;
5. "Rodenticide" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest;

6. "Herbicide" shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed;
7. "Insect" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice;
8. "Fungi" shall mean all non-chlorophyll-bearing thallophytes, that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts, as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals;
9. "Weed" shall mean any plant which grows where not wanted;
10. "Ingredient statement" shall mean:
 - a. A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison or
 - b. a statement of the name of all active ingredients in the order of their predominance in the product, together with the name of each and total percentage of the inert ingredients, if there be, in the economic poison, except Option "A" shall apply if the preparation is highly toxic to man, determined as provided in Section 5 of this Act, and in addition to subsections 1 and 2 of Section 5. In case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic;
11. "Active ingredients" shall mean any ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests;
12. "Inert ingredient" shall mean an ingredient which is not an active ingredient;
13. "Antidote" shall mean the most practical immediate treatment in case of poisoning and includes first aid treatment;

14. "Person" shall mean any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;
15. "Commissioner" shall mean the state food commissioner and chemist;
16. "Registrant" shall mean the person registering any economic poison pursuant to the provisions of this Act;
17. "Label" shall mean the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device;
18. "Labeling" shall mean all labels and other written, printed, or graphic matter;
 - a. Upon the economic poison or device or any of its containers or wrappers;
 - b. Accompanying the economic poison or device at any time;
 - c. To which reference is made on the label or in literature accompanying the economic poison or device, except when accurate, non-misleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the fields of economic poisons;
19. "Adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted;
20. The term "misbranded" shall apply:
 - a. To any economic poison or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
 - b. To any economic poison:
 1. If it is an imitation of or is offered for sale under

- the name of another economic poison;
2. If its labeling bears any reference to registration under this Act;
 3. If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;
 4. If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;
 5. If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container can not be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;
 6. If any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or
 7. If in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison;

§ 3. PROHIBITED ACTS.] No person shall distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

1. Any economic poison which has not been registered pursuant to the provisions of section 4 of this Act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in con-

- nection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that in the discretion of the commissioner, a change in the labeling or formula of an economic poison may be made within a registration period without requiring reregistration of the product;
2. Any economic poison unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container can not be clearly read, a label bearing:
 - a. The name and address of the manufacturer, registrant, or person for whom manufacturer;
 - b. The name, brand, or trade mark under which said article is sold; and
 - c. The net weight or measure of the content subject, however, to such reasonable variations as the commissioner may permit;
 3. Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in section 5 of this Act, unless the label shall bear, in addition to any other matter required by this Act:
 - a. The skull and cross bones;
 - b. The word "poison" prominently, in red, on a background of distinctly contrasting color; and
 - c. A statement of an antidote for the economic poison;
 4. The economic poison commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder economic poison which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, by regulation, shall require to be distinctly colored or discolored; unless it has been so colored

or discolored. The commissioner may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

5. Any economic poison which is adulterated or misbranded, or any device which is misbranded.

No person shall detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic poison in a manner that may defeat the purpose of this Act.

§ 4. REGISTRATION, FEES.] Any person before selling or offering for sale any economic poison for use as an insecticide or fungicide within this state, shall file annually with the commissioner, an application for registration of such economic poison, which application shall:

1. Give the name and address of each manufacturer or distributor;
2. Give the name and brand, if any, of each product registered, together with an ingredient statement of each product registered in accordance with the provisions of subsection 10 of section 2 of this Act, and accompany each registration application there shall be filed with the commissioner a label of each product so registered. If the commissioner finds that the application conforms to law he shall issue to the applicant a certificate of registration of the product. If the application, after public hearing before the State Laboratory Commission and the Commissioner is denied the product shall not be offered for sale.
3. Be accompanied by an inspection fee of five dollars for each product for the first five products and one dollar for each additional product. But in cases where the registration fees have been paid by the manufacturer, jobber, or any person, as required by this section, then in that event nothing in this section shall be construed as applying to retail dealers selling economic poisons. At the close of each calendar month the department shall transmit to the state treasurer all moneys received for such licenses. The state treasurer shall credit such moneys to the general fund of the state.

Each registration fee of five dollars for the first five products and one dollar for each additional product registered by one registrant, shall expire on the thirty first of December following its issue and no certificate of registration shall be issued for a term longer than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee shall be imposed if license or certificate of registration is not applied for on or before January first of each year, or within the same month such economic poisons are first manufactured or sold within this state.

§ 5. DETERMINATIONS; RULES AND REGULATIONS; UNIFORMITY.] The commissioner is authorized, after opportunity for a hearing:

1. To declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances;
2. To determine whether economic poisons are highly toxic to man; and
3. To determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements of subsection 4 of section 3 of this Act.

The commissioner, after due public hearing, may make appropriate rules and regulations for carrying out the provisions of this Act, including rules and regulations providing for the collection and examination of samples of economic poisons or devices, and also may adopt such regulations, applicable to and in conformity with the primary standards established by this Act, as have been or may be prescribed by the United States department of agriculture with respect to economic poisons in order that there may be uniformity between the requirements of the several states and the federal government.

§ 6. ENFORCEMENT.] The examination of economic poisons or devices shall be made under the direction of the commissioner for the purpose of determining whether they comply with the requirements of this Act. If it shall appear from such examination that an economic poison or device fails to comply with the provisions of this Act, and the commissioner contemplates instituting criminal proceedings against any person, the commissioner shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally

or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the commissioner it shall appear that the provisions of the Act have been violated by such person, then the commissioner shall refer the facts to the state's attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article. Nothing in this Act shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings minor violations of the Act whenever he believes that the public interests will be best served by a suitable notice of warning in writing. Each state's attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in the proper court of jurisdiction without delay. The commissioner, by publication in such manner as he may prescribe, shall give notice of all judgements entered in actions instituted under the authority of this Act.

§ 7. EXEMPTIONS.] The penalties provided for violations of section 3 of this Act shall not apply to:

1. Any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier, upon request, shall permit the commissioner or his designated agent to copy all records showing the transactions in and movement of the articles;
2. Public officials of this state and the federal government engaged in the performance of their official duties;
3. The manufacturer or shipper of an economic poison for experimental use only:
 - a. By or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons, or
 - b. By others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold." together with the manufacturer's name and address. If a written permit has been obtained from the commissioner, economic poisons may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

No article shall be deemed in violation of this Act when intended solely for export to a foreign country, and when pre-

pared or packed according to the specifications or directions of the purchaser. If not so exported all the provisions of this Act shall apply.

§ 8. PENALTIES.]

1. Any person violating subsection 1 of section 3 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars;
2. Any person violating any provision of this Act other than subsection 1 of section 3 shall be guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars for the first offense and upon conviction of a subsequent offense shall be fined not more than three hundred dollars. Any offense committed more than five years after a previous conviction shall be considered a first offense. In any case where a registrant was issued a warning by the commissioner pursuant to the provisions of this Act, such registrant shall upon conviction of a violation of any provision of this Act other than subsection 1 of section 3 be fined not more than two hundred dollars, or imprisoned for not more than one year, or be subject to both such fine and imprisonment, and the registration of the article with reference to which the violation occurred shall terminate automatically. An article the registration of which has been terminated may not again be registered unless the article, its labeling, and other material required to be submitted appear to the commissioner to comply with all the requirements of this Act.

§ 9. SEIZURES.] Any economic poison or device that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any proper court of jurisdiction in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

1. In the case of an economic poison:
 - a. If it is adulterated or misbranded;
 - b. If it has not been registered under the provisions of section 4 of this Act;
 - c. If it fails to bear on its label the information required by this Act;

- d. If it is a white powder economic poison and is not colored as required under this Act.
2. In the case of a device, if it is misbranded. If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the state treasurer. The article shall not be sold contrary to the provisions of this Act. Upon payment of cost and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be. When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

§ 10. DELEGATION OF DUTIES.] All authority vested in the commissioner by virtue of the provisions of this Act may with like force and effect be executed by such employees of the state laboratories department as the commissioner may from time to time designate for said purpose.

§ 11. COOPERATION.] The commissioner is authorized and empowered to cooperate with, and enter into agreements with, any other agency of this state, the United States department of agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this Act and securing uniformity of regulations.

§ 12. SEPARABILITY.] If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

§ 13. REPEAL.] Chapter 19-12 of the North Dakota Revised Code of 1943 and all acts or parts of acts inconsistent or in conflict with the provisions thereof are hereby repealed.

§ 14. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval

Approved March 20, 1947.

GAME, FISH AND PREDATORS

CHAPTER 183

H. B. No. 175

(Benno, Grenier, Power, Saumer, Wahl, Welk)

BEAVER PROTECTION

AN ACT

To amend and reenact Section 20-0709 of the North Dakota Revised Code of 1943, relating to the taking, molesting, possession and transportation of beaver.

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

§ 1. AMENDMENT.] That Section 20-0709 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0709. BEAVER NOT TO BE TAKEN, POSSESSED, TRANSPORTED, OR MOLESTED; EXCEPTION; UNLAWFUL TO SHOOT.] No person, at any time, except as otherwise provided in this chapter, shall:

1. Kill, take, attempt to take, possess, transport, or sell any beaver of any part thereof;
2. Molest or disturb any beavers;
3. Molest or disturb the retreat of any beaver; or
4. Take beaver by means of shooting with any type of gun.

Approved March 7, 1947.

CHAPTER 184

H. B. No. 111

(Dornen, Hanson, Homelvig, Wollitz, Roen, Sticka, Saller)

FUR-BEARING ANIMALS SEASON FOR TAKING

AN ACT

To amend and reenact Section 20-0703 of the North Dakota Revised Code of 1943, relating to the seasons for taking various protected fur-bearing animals.

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

§ 1. AMENDMENT.] That Section 20-0703 of 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.] Any person having a trapping license as provided in this title, or any person authorized under section 20-0302 to trap without a trapping license, may trap or take:

1. Muskrats for fur between the opening and closing date determined by the commissioner;
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 days inclusive;
4. Raccons 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-eight day of February, both dates inclusive.

Approved March 3, 1947.

CHAPTER 185

H. B. No. 110

(Starck, Maher, Wawson, Frank, Bjella, Esterby, Hegge, Siverson,
Benno)SALARY AND EXPENSES GAME AND FISH COMMISSIONERS AND
GAME WARDENS

AN ACT

To amend and reenact the following sections of the North Dakota Revised Code of 1943: Section 20-0203, as amended and reenacted by Section 6 of Chapter 264 of the Session Laws of North Dakota for the year 1945, relating to compensation and expenses of Commissioner, audit and payment; Section 20-0207, as amended and reenacted by Section 7 of Chapter 264 of the Session Laws of North Dakota for the year 1945, relating to compensation and expenses of deputy commissioner, audit and payment; Section 20-0209, as amended and reenacted by Section 8 of Chapter 264 of the Session Laws of North Dakota for the year 1945, relating to compensation and expenses of chief game warden; Section 20-0211, relating to the appointment, removal and bond of district deputy game warden; and Section 20-0212, as amended and reenacted by Section 9 of Chapter 264 of the Session Laws of North Dakota for the year 1945, relating to compensation and expense of district deputy game wardens.

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

§ 1. AMENDMENT.] That Section 20-0203, of the North Dakota Revised Code of 1943, as amended and reenacted by Section 6 of Chapter 264 of the Session Laws of North Dakota for the year 1945, 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 but not exceeding the sum of thirty-six hundred dollars per year, 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.

§ 2. AMENDMENT.] That Section 20-0207 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 7 of Chapter 264 of the Session Laws of North Dakota for the year 1945 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 but not exceeding the sum of three thousand dollars per year, 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 expense of state officers.

§ 3. AMENDMENT.] That Section 20-0209 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 8 of Chapter 264 of the Session Laws of North Dakota for the year 1945 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 but not exceeding the sum of three thousand dollars per year, together with the actual and necessary expenses incurred by him in the performance of the duties of his office.

§ 4. AMENDMENT.] That Section 20-0211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0211. DISTRICT DEPUTY GAME WARDENS: APPOINTMENT; REMOVAL; BOND.] The commissioner may appoint, and may remove at pleasure, not to exceed eighteen regular district deputy game wardens. Each regular district deputy game warden, before entering upon the discharge of his duties, shall furnish a bond in the penal sum of one thousand dollars. Such bond shall conform to and shall be filed in accordance with the provisions of law applicable to the bonds of state officers. The commissioner may establish such qualifications as he may deem necessary for the selection of competent deputy game wardens.

§ 5. AMENDMENT.] That Section 20-0212 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 9 of Chapter 264 of the Session Laws of North Dakota for the year 1945 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 but not exceeding the sum of twenty-four hundred dollars per year, together with the actual traveling expenses incurred by each in the performance of his duties.

Approved February 20, 1947.

CHAPTER 186

S. B. No. 224

(Senator Braun)

WHEN GOING AFIELD WITH SHOTGUN UNLAWFUL

AN ACT

To amend and reenact section 20-0408 of the North Dakota Revised Code of 1943, relating to going afield with shotgun unlawful; when; penalty.

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

§ 1. AMENDMENT.] That Section 20-0408 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0408. GOING AFIELD WITH SHOTGUN UNLAWFUL; WHEN; PENALTY.] No person in possession of any kind of a shotgun shall travel, in any manner, in any part of this state, off the public highway or outside of the immediate bounds of the inhabited part of any village or city from the first day of July to the opening day of the hunting season on game birds in each year. Provided, however, that a land owner or tenant may carry a shotgun at any time of the year on land owned or leased by him, for the purpose of killing predatory birds or animals. Any person violating the provisions of this section shall be presumed to have violated the laws of this state prohibiting the unlawful hunting, shooting, and taking of game birds. Any person violating the provisions of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Approved March 20, 1947.

CHAPTER 187

S. B. No. 173—(Braun and Frojen)

**HUNTING GAME AND TAKING FUR-BEARING ANIMALS ON POSTED
LAND UNLAWFUL****AN ACT**

To amend and reenact Section 20-0117 and Section 20-0124 of the North Dakota Revised Code of 1943, relative to hunting game on posted land, and taking fur-bearing animals without permission.

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

§ 1. AMENDMENT.] That Section 20-0117 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0117. HUNTING GAME ON POSTED LAND WITHOUT PERMISSION AND GOING ON PRIVATE LAND TO TAKE FUR-BEARING ANIMALS WITHOUT PERMISSION UNLAWFUL.] No person shall hunt or pursue game, or enter for the purpose of hunting or pursuing game, upon any land belonging to another which has been legally posted without first having obtained the permission of the person legally entitled to grant the same, and no person shall enter upon privately owned land for the purpose of taking, catching, or trapping protected fur-bearing animals, without first gaining the permission of the owner or operator of such land. Any person guilty of violating this act 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 or by imprisonment in the county jail for not less than twenty days nor not more than thirty days, or by both such fine and imprisonment.

Approved March 20, 1947.

CHAPTER 188

H. B. No. 5

(Langley and Legislative Research Committee at the request of State Auditor)

PAYMENT ETC. OF PREDATORY ANIMAL CERTIFICATES
BY STATE AUDITOR

AN ACT

To amend and reenact Sections 20-1307 and 20-1308 of the North Dakota Revised Code of 1943 relating to payment of certificates, record of warrants issued, and blanks supplied by state auditor on predatory animals, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 20-1307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1307. PAYMENT OF CERTIFICATES BY STATE AUDITOR; RECORD OF WARRANTS ISSUED.] The state auditor, when a certificate issued by virtue of the provisions of this chapter is presented for payment, shall:

1. Give the person owning such certificate a warrant drawn on the fund appropriated for that purpose by the legislative assembly.

Such warrant shall be in the amount required to compensate, at the bounty price provided for in this chapter, for the number of skins mentioned in the certificate.

The state auditor and state treasurer shall keep an account of all warrants so issued and paid.

§ 2. AMENDMENT.] That Section 20-1308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1308. BLANKS SUPPLIED TO AUDITORS BY STATE AUDITOR.] The state auditor shall provide each county auditor with the necessary blanks for the purpose of carrying into effect the provisions of this chapter.

§ 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 20, 1947.

CHAPTER 189**S. B. No. 283—(Delayed Bills Committee)**

**REPEAL FILING AND RECORDING FEES WILD LIFE
CONSERVATION PROJECT****AN ACT**

Repealing section 61-1505 of the North Dakota Revised Code of 1943, relating to fees charged or collected for the recording or filing of any document required by the United States or the State of North Dakota for any water or wildlife conservation project, and declaring an emergency.

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

§ 1. REPEAL.] That section 61-1505 of the North Dakota Revised Code of 1943 be and the same hereby is repealed.

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

Approved March 21, 1947.

GOVERNMENTAL FINANCE

CHAPTER 190**H. B. No. 209—(Fleck, Graham, Johnson of Cass and Saumur)**

PURPOSES AND SPECIFIC LIMITATIONS CITY BOND ISSUES**AN ACT**

To amend and reenact subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943 specifying the purposes and specific limitations of bond issues by any city.

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

§ 1. AMENDMENT.] .. That subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0306. PURPOSES AND 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 halls, 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 subsection shall not be construed as an amendment to section 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 proceeding;
- f. To provide for acquiring, laying out, and improving parks, parkways, park buildings, public drives, boulevards, 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 assessments 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 streets, highway, avenue, alley or public place within the city, the removal of snow and ice therefrom, and other like municipal purposes; and
 - 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.

Approved March 7, 1947.

CHAPTER 191

S. B. No. 1

(Senator Brant for Legislative Research Committee
at the request of Office of State Examiner)CLAIMS AGAINST TOWNSHIP OR COUNTY;
ACCOUNTS STATED; HOW

AN ACT

To amend and reenact Section 21-0501 of the North Dakota Revised Code of 1943 relating to claims against township or county and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 21-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0501. CLAIMS AGAINST TOWNSHIP OR COUNTY; ACCOUNTS STATED; HOW.] Any account, claim, or demand against any township or county of this state for any property or services for which such township or county shall be liable shall be audited or allowed by the board or officers authorized by law to audit and allow the same. The person in whose favor such account, claim, or demand shall be, or his agent, shall reduce the same to writing in items and shall verify the same to the effect that such account, claim, or demand is just and true, that the money therein charged actually was paid for the purposes therein stated, or that the property therein charged for actually was delivered or used for the purposes therein stated and was of the value therein charged, or that the services therein charged actually were rendered and of the value therein charged, or in case such services were official services for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid. Where charges are made for money expended in the performance of official duties in any claim, account, or demand against a North Dakota county, all items of one dollar or more, so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-voucher or receipt shall be forwarded with the bill, claim account, or demand against the county. The provisions of this section, however, shall not apply to any claim or demand for an annual salary or per diem of jurors or witnesses fixed

by or in pursuance of any statute.

§ 2. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 10, 1947.

CHAPTER 192

S. B. No. 241—(Foss, Feton and Bridston)

VOTE REQUIRED MUNICIPAL BOND ELECTION

AN ACT

To amend and reenact Section 21-0307 of the North Dakota Revised Code of 1943, relating to elections for municipal bond issues, to provide that in municipalities having a population of five thousand or more, a sixty percent vote shall be sufficient to authorize the issuance of bonds, and, declaring an emergency.

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

§ 1. AMENDMENT.] That Section 21-0307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0307. ELECTION REQUIRED; EXCEPTION.] No municipality, and no governing board thereof, shall issue bonds without being first authorized to do so by a vote equal to sixty-six and two-thirds percent in the case of municipalities having a population of less than five thousand, or a vote of sixty percent in the case of municipalities having a population of five thousand or more, of all the qualified voters of such municipality voting upon the question of such issue, except as otherwise provided in Section 21-0304, and except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by Section 21-0306, Subsection 2, Subdivision g, including village bonds for such purpose, and Section 21-0306, Subsection 7, without an election. No municipality having a board of budget review shall issue any bond or hold any election to secure authority to issue any bond, until there has been compliance with the provisions of Section 40-4106 and 40-4107. All questions of population shall be governed by the last state or federal census.

§ 2. EMERGENCY.] This Act is declared an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 21, 1947.

CHAPTER 193

H. B. No. 235—(Leet, Stormon, Skaar)

DIRECT, ANNUAL, IRREPEALABLE TAX TO PAY MUNICIPAL BONDS
AN ACT

Amending Section 21-0315 of the North Dakota Revised Code of 1943, relating to levy of a tax to pay the principal and interest due on bonds issued by municipalities.

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

§ 1. AMENDMENT.] That Section 21-0315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0315. DIRECT, ANNUAL, IRREPEALABLE TAX.] The governing body of every municipality issuing bonds under the authority of this chapter, after the sale of such bonds and before the delivery thereof, shall levy by recorded resolution or ordinance a direct, annual tax sufficient in amount to pay, and for the express purpose of paying, the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or to obstruct the collection of said tax until such payments have been made or provided for. A copy of such resolution or ordinance shall be certified to and filed with the county auditor, and after the issuance of such bonds, such tax from year to year shall be carried into the tax roll of the municipality and collected as other taxes are collected. No further annual levy for that purpose shall be necessary. When insufficient funds are available to pay the matured bonds, the county auditor shall notify the governing body of such municipality of such deficiency and the governing body thereupon may levy a direct tax to pay said deficiency and interest thereon. The manner of levy, certification, and collection of said tax shall be the same as provided by this section for the levy, certification and collection of taxes by this section. When such bonds are further sustained by revenue of a revenue producing utility, industry, or enterprise, said resolution or ordinance may provide that the tax to be levied and assessed may be reduced by such amount and under such conditions as shall be determined in said resolution or ordinance so long as adequate provision is always made for the payment of such bonds and interest thereon.

Approved March 11, 1947.

CHAPTER 194**H. B. No. 2****(Langley and Legislative Research Committee
at the request of Bank of North Dakota)****PRIVATE SALE MUNICIPAL BONDS U. S. OR STATE AGENCIES****AN ACT**

Amending and reenacting Section 21-0330 of the North Dakota Revised Code of 1943 relating to private sale of municipal bonds to the United States and to agencies of the state of North Dakota, repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. **AMENDMENT.]** That Section 21-0330 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

21-0330. MUNICIPAL BONDS; PRIVATE SALE TO UNITED STATES OR STATE AGENCIES.] The procedure prescribed in this chapter relative to calling for bids upon the sale of municipal bonds shall not be required in case bonds are sold to the state board of university and school lands or to the Bank of North Dakota nor in case other trust funds administered by public officials are invested in them, or they are sold to the United States of America, or any agency or instrumentality thereof.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. **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 February 11, 1947.

CHAPTER 195

S. B. No. 200—(Judiciary Committee)

**MUNICIPAL BONDS, REPLACEMENT PUBLIC BUILDINGS
BUDGET BOARD REVIEW****AN ACT**

Amending and reenacting Section 21-0307 of the North Dakota Revised Code of 1943 relating to elections to be held for issuance of municipal bonds and the replacement of municipal and public buildings; and providing budget board review.

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

§ 1.] That Section 21-0307 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

§ 21-0307. ELECTION REQUIRED; EXCEPTIONS.] No municipality, and no governing board thereof, shall issue bonds without first being authorized to do so by a vote equal to sixty-six and two-thirds percent of all the qualified voters of such municipality voting upon the question of such issue:

1. Except as otherwise provided in Section 21-0304; and
2. Except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by Section 21-0306, Subsection 2, Subdivision g, including village bonds for such purpose, and Section 21-0306, Subsection 7, without an election.
3. Any municipality, as defined and listed in Section 21-0306, may issue its bonds for the replacement of municipally owned public buildings within such municipality by a majority voting upon the question of such issue in the following cases:
 - a. When such public building has been destroyed by fire, wind, explosion, or other cause;
 - b. When the governing body of such municipality shall have passed a resolution setting forth that such public building located within and owned by such municipality shall have become unsafe, or inadequate, or hazardous for use and occupancy as such building, or that such public building has become unsafe, inadequate or hazardous for the safety of public records and/or property of such municipality housed therein. Such resolution shall be directed to the district court of the district within which such municipality is located, and

shall contain a petition requesting that the court call a hearing thereon for the purpose of ascertaining the facts alleged in such resolution. The resolution, or a certified copy thereof, shall be filed in the office of the clerk of the district court in the county wherein such municipality is located, or if the resolving municipality is the county, then with the clerk of court of said county, who in turn shall notify the district court of the filing thereof;

- b1. Upon notice of the filing of such resolution and petition, the district court shall give public notice of the time and place when such matter will be heard, which notice shall be by publication in two successive issues in any legal newspaper printed within such municipality, or in the official county paper if the resolving municipality is the county, or if no newspaper is printed within such municipality then by publication in the official newspaper of the county, and by posting of five such notices in the most public places of such municipality;
- b2. The court shall thereupon as soon as convenient proceed to hear and receive evidence and testimony of any taxpayer or elector within such municipality in support of or in opposition to the allegations of the resolution so filed, and after due hearing shall make its findings either sustaining or denying the petition and resolution of such governing body that such public building is unsafe, inadequate, or hazardous;
- b3. If the district court shall issue its findings and order to the effect that such buildings are unsafe, or inadequate or hazardous either for public use or habitation, or for the safety of public records and/or property of such municipality, the resolution and petition of the governing body of such municipality shall be deemed to be sustained and a bond issue for the replacement of such public building shall be declared carried upon a majority vote of the qualified voters of such municipality voting upon such issue;
- b4. If the district court shall issue its findings and order to the effect that such building is safe and adequate for both public use or habitation and for public records and property housed therein, then such resolution and petition of the governing body of such municipality shall be deemed to be

denied, and a bond issue for the replacement of such public building may only be declared carried upon a vote of sixty-six and two-thirds percent of the qualified voters of such municipality voting upon such issue.

No municipality having a board of budget review shall issue any bond or hold any election to secure authority to issue any bond, until there has been compliance with the provisions of Sections 40-4106 and 40-4107.

Approved February 25, 1947.

CHAPTER 196

H. B. No. 32

(Langley and Legislative Research Committee
at request of Governor's Safety Conference)

PURCHASE SCHOOL BUS EQUIPMENT

AN ACT

Relating to the purchase of school buses with money from the general fund; or from money secured from the sale of bonds according to the provisions of Chapter 21-03 of the North Dakota Revised Code of 1943; and for an amendment to Subsection 4 of Section 21-0306 of the North Dakota Revised Code of 1943.

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

§ 1. SCHOOL BOARDS AUTHORITY TO PURCHASE SCHOOL BUS EQUIPMENT.] School boards shall have the power to purchase a bus body, a chassis, or a complete motor bus. Such bus body, chassis, or complete motor bus shall meet the standards set up by the superintendent of public instruction and the highway commissioner. School boards shall be required to advertise for bids in accordance with the provisions of Section 15-4715, of the North Dakota Revised Code of 1943. School boards may use money in the general fund to purchase a bus body, a chassis, or a complete motor bus on the installment plan, provided that the payment of such plan shall not extend over a period greater than four years, and that the interest on the unpaid balances shall not exceed four per cent. Such interest shall be straight interest on unpaid balances.

§ 2. AMENDMENT.] That Subsection 4 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 BOARD [BOND] ISSUES.]

4. By any common school district, independent school district, special school district, or any other class of school district, by whatever name designated, to purchase, erect, enlarge, and improve school buildings and teacherages, to acquire sites therefor and for playgrounds, to furnish and equip the same with heat, light, and ventilation or other necessary apparatus, and also to purchase school bus equipment which shall meet the standards set up by the state superintendent of public instruction and the highway commissioner.

Approved February 11, 1947.

GUARANTY, INDEMNITY, SURETYSHIP

CHAPTER 197

S. B. No. 229—(Shure, Day and Morgan)

SURETY MAY EXERCISE JOINT CONTROL OVER MONEYS AND ASSETS OF FIDUCIARY

AN ACT

Making it lawful for a surety on a bond or undertaking of a fiduciary to exercise joint control over the moneys and assets for which the said fiduciary and surety are or may be held responsible.

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

§ 1.] It shall be lawful for any party of whom a bond, undertaking or other obligation is required, to agree with his surety or sureties for the deposit of any or all moneys and assets for which he and his surety or sureties are or may be held responsible, with a bank, savings bank, safe-deposit or trust company, authorized by law to do business as such, or with other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such

money or assets or any part thereof, without the written consent of such surety or sureties, or an order of court, or a judge thereof made on such notice to such surety or sureties as such court or judge may direct. Such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the said bond.

Approved March 20, 1947.

HEALTH AND SAFETY

CHAPTER 198

S. B. No. 167—(Day by request)

DUTY OF COUNTIES TO BURY DECEASED PERSONS

AN ACT

To amend and reenact Subsection 5 of Section 23-0603 of the North Dakota Revised Code of 1943, relating to the duty of counties to bury deceased persons.

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

§ 1. AMENDMENT.] That Subsection 5 of Section 23-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral expenses, including the cost of a casket, upon the county welfare board of the county in which the death occurs, and such board shall employ some person to arrange for and superintend the burial. The necessary and reasonable expense thereof, not exceeding one hundred dollars, shall be borne by the county.

Approved March 20, 1947.

CHAPTER 199

H. B. No. 142

(Haugland, Smart, Brickner, and Ellingson)

**SUPERVISED PUBLIC DISPLAY OF FIREWORKS—
PROHIBITING SALE OF FIREWORKS; PENALTY****AN ACT**

To prohibit the sale, offering or exposing for sale of fireworks, and to regulate the manner of their use; providing for issuance of permits; providing for certain exceptions; duties of state fire marshal to establish rules and regulations providing for the seizure of unlawful stocks; providing penalties for the violation of the provisions of this Act and declaring an emergency.

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

§ 1. FIREWORKS DEFINED.] As used in this Act, the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by explosion, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs, or other fireworks of like construction, and any fireworks containing any explosive or compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing twenty-five hundredths grains or less of explosive compound are used and toy pistol caps which contain less than twenty hundredths grains of explosive mixture, or chinese made firecrackers of not more than 1½ inches in length and ¼ inch in outside diameter.

§ 2. SALE OF FIREWORKS PROHIBITED.] Except as otherwise provided in this Act, no person shall offer for sale, expose for sale, sell at retail, bring into this state or cause to be brought into this state or use or explode any fireworks.

§ 3. PUBLIC DISPLAY OF FIREWORKS PERMITTED BY MUNICIPALITY OR FAIR ASSOCIATION WITHIN ITS LIMITS; SUPERVISED DISPLAY ALLOWED; PERMIT REQUIRED; DUTY OF FIRE MARSHAL TO ESTABLISH REGULATIONS.] This Act shall not prohibit supervised public displays of fireworks by cities, villages, fair associations, amusement parks, and other organizations. Except when such display is given by a municipality or fair association within its own limits, no display shall be given unless a permit therefor has first been secured. Every application for such a permit shall be made in writing to the city auditor or the village clerk at least fifteen days in ad-

vance of the date of the display. The application promptly shall be referred to the governing body of the village or city which shall make an investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. Such governing body shall report the results of this investigation to the city auditor or the village clerk, as the case may be, and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal hereinafter provided for, such auditor or clerk shall issue a permit for the display when the applicant pays a permit fee of two dollars. When the supervised public display for which a permit is sought is to be held outside the limits of an incorporated municipality the application shall be made to the county auditor and the duties imposed by this Act upon the city auditor or village clerk shall be performed in such case by the county auditor. The duties imposed on the governing body of the city or village by this Act shall be performed in such case by the board of county commissioners. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. The state fire marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this Act to insure that fireworks displays are given safely.

§ 4. EXCEPTIONS.] Nothing in this Act shall be construed to prohibit the following:

1. Any resident wholesaler, dealer, or jobber from selling at wholesale such fireworks as are not herein prohibited;
2. The sales of any kind of fireworks for shipment directly out of the state;
3. The use of fireworks by airplanes, railroads, or other transportation agencies for signal purposes or illumination;
4. The sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

§ 5. STATE FIRE MARSHAL OR SHERIFF TO SEIZE ALL FIREWORKS OR COMBUSTIBLES.] The state fire marshal or any sheriff, police officer, constable, or local fire marshal shall seize, take, remove or cause to be removed at the ex-

pense of the owner all fireworks or combustibles offered or exposed for sale, stored or held for use in violation of this Act.

§ 6. VIOLATION A MISDEMEANOR.] Any person violating the provisions of this Act shall be guilty of a misdemeanor.

§ 7. 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, 1947.

CHAPTER 200

H. B. No. 52

(Langley and Legislative Research Committee at request of State Health Planning Committee)

STATE DEPARTMENT OF HEALTH AND HEALTH COUNCIL AN ACT

To amend and reenact Sections 23-0101, 23-0102, 23-0103, 23-0104, 23-0105, 23-0106, 23-0107, 23-0108, and 23-0111 of the North Dakota Revised Code of 1943, establishing a state department of health and health council, providing for its membership, officers and employees, fixing their terms and compensation and prescribing their duties and powers; authorizing such department to accept funds from the federal government and other sources, and to qualify for benefits provided for in any federal laws enacted for the construction, equipping and maintenance of medical hospitals and related institutions; providing for the licensure of medical hospitals and related institutions, prescribing the qualifications and procedure therefor and the inspection and regulation thereof; providing for the denial, suspension, revocation and reinstatement of such licenses, and the procedure therefor, providing for an appeal from certain orders; providing for an appropriation therefor; providing penalties for the violation of the provisions of this Act and of the regulations promulgated thereunder; repealing Chapter 50-13 and Subsection 1 of Section 54-2113 of the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 23-0101 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0101. STATE DEPARTMENT OF HEALTH; OFFICERS.] The state department of health shall consist of a health council, a state health officer, directors of divisions and other employees of the department.

§ 2. AMENDMENT.] That Section 23-0102 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0102. HEALTH COUNCIL; MEMBERS; TERMS OF OFFICE; VACANCIES; COMPENSATION; OFFICERS; MEETINGS.] The health council shall consist of nine members appointed by the governor in the following manner: Two persons shall be appointed from a list of four submitted by the state hospital association, two persons shall be appointed from a list of four submitted by the state medical association, one shall be appointed from a list of two submitted by the state dental association, one shall be appointed from a list of two submitted by the state nurses association, one shall be appointed from a list of two submitted by the State Pharmaceutical Association and there shall be appointed two lay persons with broad civic interests representing varied segments of the populations. The members of the first health council shall be appointed within thirty days after this Act becomes effective to serve for the following terms: three members for one year, three members for two years, and three members for three years, from the date of their appointment or until their successors are duly appointed. On the expiration of the term of any member, the governor, in the manner hereinbefore provided, shall appoint for a term of three years, persons to take the place of members whose terms on said council are about to expire. The officers of said council shall be elected annually. The following persons shall serve in an advisory capacity to the health council: the state health officer, the attorney general, the state superintendent of public instruction, the chairman of the board of administration, the state fire marshal, the executive secretary of the state board of nurse examiners, the executive director of the state board of public welfare, and such other persons as the governor may designate. The council shall meet in January and June of each year and at such other times as the council or its chairman may direct. The council shall have as standing committees, a health committee and a hospital committee and such other committees as said council may find necessary. The health committee shall consist of one of the representatives of the state medical association, one of the representatives of the state hospital association, the representative of the state dental association, the representative of the state nurses association and two of the representatives of civic interests. The hospital committee shall consist of two representatives of the hospital association, one of the representatives of the state medical association, the representative of the state nurses association and one of the representatives of civic interests. The members of these committees shall be selected by the chairman of the health council from its own membership. The chairman shall have the responsibility of assigning to the special committees, problems relating to the respective fields. The members of the council shall re-

ceive only their actual and necessary traveling expense when engaged in the discharge of their official duties.

§ 3. AMENDMENT.] That section 23-0103 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0103. POWERS AND DUTIES OF THE HEALTH COUNCIL.] The health council shall:

1. Fix, subject to the provisions of Section 23-0102, the time and place of the meetings of the council;
2. Make rules and regulations for the government of the council and its officers and meetings;
3. Establish standards, rules and regulations which are found necessary for the maintenance of public health, including sanitation and disease control;
4. Provide for the development, establishment and enforcement of basic standards for hospitals and related medical institutions which render medical and nursing care, and for the construction and maintenance of such institutions, such standards to cover matters pertaining to sanitation, building construction, fire protection measures, nursing procedures and preservation of medical records; provided no regulation shall be made as to building construction of existing medical hospitals save in relation to safety factors; and
5. Hold hearings on all matters brought before it by applicants and licensees of medical hospitals with reference to the denial, suspension, or revocation of licenses and make appropriate determination as specified herein.

The council may direct the state health officer to do or cause to be done, any or all of the things which may be required in the proper performance of the various duties placed upon the state department of health.

§ 4. AMENDMENT.] That section 23-0104 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0104. EFFECT OF RULES AND REGULATIONS.] All rules and regulations promulgated by the health council under the powers granted by any provisions of this Act shall be binding upon all county and municipal health officers, and upon all county, municipal and private medical hospitals and upon related institutions, and shall have the force and effect of law.

§ 5. AMENDMENT.] That section 23-0105 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0105. HEALTH OFFICER; QUALIFICATION; SALARY; TERM; DUTIES.] The state health officer shall be appointed by the governor. He or she shall be a physician who has graduated from a regular school of medicine of Class A standing, who shall have had special training and/or experience in public health administration and who shall be duly licensed or eligible for license to practice his profession in North Dakota. In the latter instance he shall obtain a license at the next examination of the state board of medical examiners or disqualify. He shall receive a salary commensurate with his training and/or experience in public health administration, such salary to be fixed by the health council within the limits of legislative appropriations to the department. He also shall receive all necessary traveling expenses incurred in the performance of official business. He shall not engage in any other occupation or business and shall hold office for four years beginning July 1, 1947. The state health officer shall be the administrative officer of the state department of health. The duties of the state health officer shall be as follows:

1. Enforce all rules and regulations as promulgated by the health council;
2. Hold the several boards of health responsible for the enforcement of state regulations, serve in an advisory capacity to the several boards of health in the counties, cities, villages and townships of this state and provide for coordination of health activities;
3. Establish and enforce minimum standards of performance of the work of the local department of health;
4. Study health problems and plan for their solution as may be necessary;
5. Collect, tabulate, and publish vital statistics for each important political or health administrative unit of the state and for the state as a whole;
6. Promote the development of local health services and recommend the allocation of health funds to local jurisdictions subject to the approval of the health council;
7. Collect and distribute health education material;

8. Maintain a central public health laboratory and where necessary, branch laboratories for the standard function of diagnostic, sanitary and chemical examinations, and production and procurement of therapeutic and biological preparations for the prevention of disease and their distribution for public health purposes;
9. Establish a service for medical hospitals and related institutions to include licensing of such institutions according to the standards promulgated by the health council and consultation service to communities planning the construction of new hospitals and related institutions; and
10. Comply with the state merit system policies of personnel administration.

§ 6. AMENDMENT.] That section 23-0106 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0106. REPORT OF STATE HEALTH OFFICER; CONTENTS.] The state health officer, on the first day of December of each even numbered year, shall make a report to the governor covering the preceding two-year period on the following subjects:

1. The activities of the various divisions, the work accomplished during the two years covered by the report, and an analysis of the program of each of the divisions;
2. The expenditures of the state department of health;
3. The expenditures in each county board of health or the district board of health; and
4. Any reports relating to the hospital program as required by the health council.

§ 7. AMENDMENT.] That section 23-0107 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0107. WORKING DIVISIONS OF DEPARTMENT.] The state department of health may establish the following divisions of health:

1. Division of vital statistics;
2. Division of preventable disease;
3. Division of sanitary engineering;
4. Division of public health laboratories with such labo-

ratories and branches thereof at such places as the health council may deem necessary;

5. Division of maternal and child hygiene;
6. Division of public health nursing;
7. Division of administration;
8. Division of health education;
9. Division of oral health; and
10. Such other divisions as may be deemed necessary from time to time by the council.

§ 8. AMENDMENT.] That section 23-0108 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0108. DIRECTORS OF DIVISIONS; APPOINTMENT; SALARY; DUTIES.] The state health officer shall appoint directors of the various divisions of the department and shall determine the salary within the limits of legislative appropriations to the department and in conformity with the state merit system, to be received by such persons. The duties of such director shall be those prescribed by the state health officer.

§ 9. AMENDMENT.] That section 23-0111 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

23-0111. ACCEPTANCE OF FUNDS AND RIGHT TO QUALIFY FOR BENEFITS UNDER FEDERAL LAWS AUTHORIZED.] The state department of health may:

1. Accept funds from cities, counties, the federal government, private organizations, and individuals for infancy and maternal hygiene, for other public health work and for the purpose of conducting a survey of existing medical hospitals and related institutions, planning of needed hospital construction and for construction and maintenance of such medical hospitals and related institutions. When approved by the governor of this state, the state department of health may match the same from any unexpended portion of its appropriation in accordance with specifications agreed to or required by congressional act. All infancy and maternal hygiene and public health work shall be done under the supervision of the state department of health; and
2. Do any and all things that may be necessary in order to enable the state of North Dakota to receive the full benefit of any Federal laws now in force for the con-

struction, equipping and maintenance of medical hospitals and related institutions.

§ 10. LICENSURE OF MEDICAL HOSPITALS.] After July 1, 1947, no person, partnership, association, corporation, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment and/or care of two or more non-related persons suffering from illness, injury, or deformity, or where obstetrical or other care is rendered over a period exceeding twenty-four hours shall be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in Sections 11 and 12. Hospitals maintained and operated by the state or federal government or homes supervised and licensed by the state board of public welfare such as those for the aged and infirm and those for unmarried mothers and chiropractic hospitals and sanatoriums are not required to obtain a license under this Act. In the case of hospitals maintained and operated by the state or in the case of homes licensed by the state board of public welfare, the state department of health shall have the responsibility of inspecting, rendering consultation service, and making recommendations on phases of hospital administration covered in the standards promulgated by the health council.

§ 11. EXISTING MEDICAL HOSPITALS.] Institutions subject to this Act which are already in operation at the time of enactment of this Act shall be given a reasonable time, not to exceed one year from the date of enactment of this law, within which to comply with the rules, regulations, and minimum standards provided for herein.

§ 12. APPLICATION FOR LICENSE.] Applicants for license shall file applications under oath with the state department of health upon forms prescribed. Applications shall be signed by the owner, or in the case of a corporation by two of its officers, or in the case of a county or municipal unit by the head of such governmental department having jurisdiction over it. Applications shall set forth the full name and address of the owner of the institution for which license is sought, the names of the persons in control thereof and such additional information as the state department of health may require, including affirmative evidence of ability to comply with such minimum standards, rules and regulations as may be lawfully prescribed hereunder.

§ 13. LICENSES.] Licenses issued hereunder shall expire one year after date of issuance or upon such uniform dates annually, as the health council may prescribe by regulation. Licenses shall be issued only for the premises and

persons named in the application, and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

§ 14. INSPECTIONS AND CONSULTATIONS.] The state department of health shall make or cause to be made such inspections as may be prescribed by regulation. The health council may prescribe by regulations that any licensee or prospective applicant desiring to make a substantial alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the state department of health for preliminary inspection and recommendation.

§ 15. AUTHORITY TO ISSUE, DENY, SUSPEND OR REVOKE LICENSES.] The state department of health shall issue licenses for the operation of institutions subject to this Act which are found to comply with the provisions of this Act and such regulations as are lawfully promulgated by the health council. The state health officer with the approval of the health council may, after a hearing, suspend or revoke licenses issued hereunder on any of the following grounds:

1. Violation of any of the provisions of this Act or the rules and regulations promulgated pursuant thereto;
2. Permitting, aiding or abetting the commission of any unlawful act; or
3. Conduct or practices detrimental to the health or safety of patients and employees of said institutions; provided that this provision shall not be construed to have any reference to practices authorized by law; and provided further that no license shall be suspended or revoked for any trivial violation.

No application for a license shall be denied, or any licenses suspended or revoked, except after a hearing before the health council held pursuant to written notice to the applicant or licensee, served by registered mail, which notice shall concisely state the grounds for such denial or for such proposed suspension or revocation and shall fix the time and place of hearing which shall be not less than thirty days after the date of the mailing of such notice. After such hearing, the council shall make an order, either denying the application for license or granting the same, or suspending or revoking such license, or dismissing the proceedings to suspend or revoke as the merits of the case warrants. The council shall send a copy of its order to the applicant or licensee by registered mail, which shall contain its findings and conclusions,

and such order, except an order of dismissal, shall become final thirty days after the date of mailing unless the applicant or licensee appeals therefrom in the manner provided by Section 19 hereof.

§ 16. NOT APPLICABLE TO CERTAIN LAWS.] This Act shall not be construed in any way to restrict or modify any act pertaining to the placement and adoption of children or the care of unmarried mothers.

§ 17. OFFERING OR ADVERTISING TO DISPOSE OF INFANTS PROHIBITED.] No hospital providing maternity care shall in any way offer to dispose of any child or advertise that it will give children for adoption or hold itself out, directly or indirectly, as being able to dispose of children. However, such hospitals may inform an unmarried mother of child placing agencies licensed by the division of child welfare of the state board of public welfare.

§ 18. INFORMATION CONFIDENTIAL.] Information other than reports relating to vital statistics received by the state department of health through inspection or otherwise, authorized under this Act shall be confidential and shall not be disclosed publicly except in a proceeding involving the question of license. In the case of hospitals and related institutions providing maternity care, no agent of the state department of health or of any board of health, nor the licensee under the provisions of this Act shall disclose the contents of case records of such institution except:

1. In a judicial proceeding;
2. To legally constituted health or social agencies specifically interested in the patients; and
3. To persons having direct interest in the well-being of the patient, or her infant, and who are in a position to serve their interests should that be necessary.

§ 19. APPEAL.] An appeal may be taken to the district court from any order of the state health officer or health council, denying an application for a license to operate a medical hospital or related institution, or suspending or revoking a license, or from any order denying an application for a construction project. Any such appeal shall be taken in the manner provided in Chapter 28-32 of the title, "Judicial Procedure, Civil" of the North Dakota Revised Code of 1943.

§ 20. SAVINGS CLAUSE.] Should any provision or section of this Act be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section of this Act, it being the

legislative intent that this Act shall stand, notwithstanding the invalidity of any such provision or section.

§ 21. PENALTIES.] Any person, partnership, association, or corporation establishing, conducting, managing, or operating any institution within the meaning of this Act, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense, and each day such medical hospital shall operate after a first conviction shall be considered a subsequent offense.

§ 22. INJUNCTION.] The department of health, in accordance with the laws of the state governing injunctions and other process, may maintain an action in the name of the state against any person, partnership, association, or corporation, for establishing, conducting, managing or operating any hospital within the meaning of the Act without first having a license therefor as herein provided.

§ 23. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$20,400.00, or so much thereof as may be necessary to carry out the provisions of this Act.

§ 24. REPEAL.] Chapter 50-13 and subsection 1 of section 54-2113 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 25. 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 22, 1947.

HIGHWAYS, BRIDGES AND FERRIES

CHAPTER 201

S. B. No. 272—(Braun, Wog and Nelson of Steele)

DESIGNATION SECONDARY HIGHWAY SYSTEM

AN ACT

To amend and reenact Section 24-0105 of the North Dakota Revised Code of 1943, as amended by Chapter 199 of the Session Laws of North Dakota for 1945, relating to the designation of a secondary highway system and authorizing the state highway commissioner to designate such highway system.

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

§ 1. AMENDMENT.] That Section 24-0105 of the North Dakota Revised Code of 1943, as amended by Chapter 199 of the Session Laws of North Dakota for 1945, be amended and reenacted to read as follows:

24-0105. DESIGNATION OF SECONDARY SYSTEM ; REMOVAL FROM PRIMARY HIGHWAY SYSTEM.] The state highway commissioner may designate, from time to time, a secondary highway system not exceeding twelve thousand miles in length on which all secondary or feeder road funds shall be expended as may be provided by such appropriations. In designating such system, he may transfer from the primary state highway system those parts which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the feeder road system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may also enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

Approved March 21, 1947.

CHAPTER 202

(S. B. No. 181—(Flatt, Day and Albers))

**DEPOSITING GARBAGE, GLASS, ETC., ON PUBLIC HIGHWAY
UNLAWFUL, PENALTY****AN ACT**

Making it unlawful for any person, firm, or corporation to throw or deposit or cause to be thrown or deposited any garbage, glass, bottles, boxes, or rubbish of any kind upon any public highway in the state of North Dakota, providing a penalty, and declaring an emergency.

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

§ 1. GARBAGE DEPOSITED ON HIGHWAYS.] It shall be unlawful for any person, firm, or corporation to throw or deposit or cause to be thrown or deposited any garbage, glass, bottles, boxes, or rubbish of any kind upon any public highway in the state of North Dakota.

§2. PENALTY.] Any person, firm, or corporation violating any of the provisions 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.

§ 3. 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 20, 1947.

CHAPTER 203**H. B. No. 273—(Lillehaugen, Haugen and Saumur)****STATE HIGHWAY RECONSTRUCTION WORK WITHOUT LETTING
CONTRACT****AN ACT**

Authorizing the state highway department to perform reconstruction work on certain state highways without letting contracts therefor, authorizing the commissioner to contract with counties to perform such reconstruction work and declaring an emergency.

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

§ 1.] Until December 31, 1948, 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, 1949, may be completed within a year of 1949.

§ 2.] Any funds available for highway construction purposes may be expended in carrying out the provisions of this Act.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 204**S. B. No. 222—(Nordhougen and Braun)****UNIFORM TRAFFIC LIGHTS FOR HIGHWAYS, ETC.****AN ACT**

Requiring uniform traffic lights and authorizing the State Highway Commissioner to prescribe regulations governing the type, size and location of traffic lights.

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

§ 1. The state highway commissioner of North Dakota is hereby authorized and directed to prescribe one or more types of traffic lights which may be used to regulate traffic upon any highway, street or public way within this state and he shall prescribe uniform rules for the placing and installation of such lights.

§ 2 After such types of traffic lights shall have been so prescribed and such rules promulgated, no municipality, public officer or employee shall install or cause to be installed any traffic light which does not conform to such rules and requirements.

Approved March 20, 1947.

INSANE, FEEBLE MINDED, TUBERCULAR, BLIND AND DEAF

CHAPTER 205

H. B. No. 340—(Committee on Delayed Bills)

COMMITMENT AND TRANSFER OF VETERANS TO VETERANS ADMINISTRATION OR OTHER U. S. AGENCY

AN ACT

To amend and reenact Section 25-0333 of the North Dakota Revised Code of 1943, relating to the commitment of veterans, and authorizing the transfer of veterans to the Veterans Administration or other agency of the United States for care and treatment.

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

§ 1. AMENDMENT.] That Section 25-0333 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0333. COMMITMENT TO VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES; STATE HOSPITAL FOR THE INSANE; TRANSFER.]

(1) Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined, as provided in Chapter 25-03 of the North Dakota Revised Code of 1943, that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment, and it appears that such person is eligible for care or treatment by the Veterans Administration or other agency of the United States Government, the insanity board of the county of which such person is a resident, upon receipt of a certificate from the Veterans Administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may direct the commitment of such person to said Veterans Administration or other agency, in the same manner as non-veteran insane may be committed to the state hospital for the insane. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in

the manner as provided by the law of this state; and nothing in this Act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person when admitted to any facility operated by any such agency within or without this state, shall be subject to the applicable rules and regulations of the Veterans Administration or other agency. The chief officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which the person is so committed, shall with respect to such person be vested with the same powers exercised by the superintendent of the state hospital for the insane with reference to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the county judge, as provided in Sections 25-0324, 25-0325 and 25-0326 of the North Dakota Revised Code of 1943, at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint; and, in addition, the right to a writ of habeas corpus, as provided in Section 25-0328 of the North Dakota Revised Code of 1943, is preserved; and all commitments pursuant to this Act are so conditioned.

(2) The judgment or order of commitment by a court or other proper authority of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration or other agency of the United States for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint as is provided in Subsection (1) of this section with respect to persons committed by an insanity board of this state. Consent is hereby given to the application of the law of the committing state or District of Columbia in respect to the authority of the chief officer of any facility of the Veterans Administration or of any institution operated in this state by any other agency of the United States to retain custody, or transfer, parole or discharge the committed person.

(3) Upon receipt of a certificate of the Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to the state hospital for the insane for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the state hospital may cause the transfer of such

person to the Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the chairman of the insanity board which committed the person shall be notified thereof by the superintendent of the state hospital. No person shall be transferred to the Veterans Administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of Insanity, unless, prior to the transfer, the insanity board, or the court, if any, pursuant to the order or sentence of which confinement exists, shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the Veterans Administration or other agency of the United States pursuant to the original commitment.

Approved March 15, 1947.

CHAPTER 206

S. B. No. 153—(Committee on Veterans and Military Affairs)

DUTIES OF SHERIFF, ETC. IN COMMITMENT AND TRANSFER TO STATE HOSPITAL OR VETERANS ADMINISTRATION HOSPITAL

AN ACT

To amend and reenact Section 25-0313 of the North Dakota Revised Code of 1943, relating to commitment of a person to state hospital or Veterans' Administration hospital within or without the state of North Dakota; duties of sheriff and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 25-0313 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0313. COMMITMENT OF PERSON TO STATE HOSPITAL OR VETERANS' ADMINISTRATION HOSPITAL: DUTY OF SHERIFF; WHO MAY ACCOMPANY SHERIFF.] The sheriff shall execute the warrant of the insanity board by conveying the person named in such warrant to the state hospital or to a veterans' administration hospital or government institution within or without the state of North Dakota and delivering him, together with the findings and certificate of the physician and

the findings of the insanity board and the duplicate of the warrant, to the superintendent of such hospital or government institution. The superintendent, over his official signature, shall acknowledge such delivery on the original warrant, and the sheriff shall return the same to the county judge. If any relative or intimate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of accompanying the sheriff when he transports the patient to the hospital.

§ 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 20, 1947.

CHAPTER 207

S. B. No. 274—(Committee on Appropriations)

CARE OF INMATES AT GRAFTON STATE SCHOOL COUNTY EXPENSE AN ACT

To amend and reenact Section 25-0409 of the North Dakota Revised Code of 1943, relating to the expense of care of inmates at the Grafton State School.

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

§1. AMENDMENT.] That Section 25-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0409. EXPENSE FOR CARE OF INMATES TO BE CHARGE UPON COUNTY; COUNTY TO REMIT TO STATE TREASURER.] The expense of the care, board, and treatment of each inmate in the state school shall be a charge upon the county from which the inmate is sent. A county shall pay to the state treasurer the sum of twenty dollars per month for the care and treatment of each inmate sent from the county to the state school.

Approved March 21, 1947.

CHAPTER 208

H. B. No. 135—(Sellens, Saumur, Fleck)

**RECIPROCAL EXCHANGE OF INSANE, FEEBLE-MINDED,
OR EPILEPTIC PERSONS**

AN ACT

Authorizing the Board of Administration to enter into reciprocal agreements with other states for the exchange, return, and transportation of insane, feeble-minded, or epileptic persons.

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

§ 1. (RECIPROCAL EXCHANGE OF INSANE, FEEBLE-MINDED OR EPILEPTIC PERSONS.] The Board of Administration is hereby authorized and empowered to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of insane, feeble-minded, or epileptic persons who are within the confines of one state but have legal residence or legal settlement in another state. Such agreements shall contain no provision conflicting with any laws of this state.

Approved February 20, 1947.

CHAPTER 209

S. B. No. 275—(Committee on Appropriations)

**MAINTENANCE PUBLIC CHARGE PATIENTS AT TUBERCULOSIS
SANATORIUM BY COUNTY OR STATE AT LARGE**

AN ACT

To amend and reenact Section 25-0510 of the North Dakota Revised Code of 1943, relating to the amount of charge for maintenance of patients in the Tuberculosis Sanatorium.

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

§ 1. AMENDMENT.] That Section 25-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0510. RESPONSIBILITY FOR MAINTENANCE OF PATIENT WHO IS PUBLIC CHARGE; AMOUNT OF CHARGE.] The charge for maintenance at the State Sanatorium of a patient who is a public charge shall be Twelve Dollars and Fifty Cents per week during all of the time that he remains at the sanatorium as a patient, and such charge shall be paid by:

1. The county from which the patient was certified if the patient was determined to be a resident of such county; or
2. The state at large if it has been determined that a patient does not have a residence in any county in this state.

Such charge shall be collected in the manner specified in Chapter 8 of this title.

Approved March 21, 1947.

INSURANCE

CHAPTER 210

S. B. No. 23

Brant for Legislative Research Committee at the
request of State Insurance Department)

BOND PREMIUM ELIMINATION OF PUBLIC EMPLOYEE

AN ACT

Amending Section 26-2306 of the North Dakota Revised Code of 1943 and providing for the elimination of premiums on bonds of all public employees of the state of North Dakota and each political subdivision thereof, until the reserve fund of the state bonding fund shall have been depleted below the sum of one million dollars and providing for the resumption of the collection of such bond premiums whenever the said reserve fund shall have been depleted below the sum of one million dollars and repealing all acts or parts of acts in conflict herewith.

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

§ 1. **AMENDMENT.]** That Section 26-2306 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

26-2306. PREMIUMS: AMOUNT TO WHOM PAID; MINIMUM.] The premium for insurance furnished under this chapter shall be twenty-five cents per year per one hundred dollars of the amount of the required bond. Such premium shall be paid in advance by the proper authority of the state, or of the subdivision of the state, which the public employee for whom a bond is required was elected or appointed to serve, from its treasury, to the state treasurer who shall keep the same in the fund. The state treasurer shall issue quadruple receipts therefor. He shall file one of such receipts in his office, and shall mail one to the official making such payment, one to the commissioner, and one to the state auditor. The minimum premium for each public employee shall be two dollars and fifty cents per year. Unless the term of office or employment shall be for a shorter period, payments shall be made for one year or for such longer terms as the commissioner may prescribe. The bonds of all retiring public employees shall be transferred to their successors for unexpired terms without any additional premium, when written application is made to the director of the state bonding fund. From and after July 1, 1947 the premiums referred to in this section shall be waived until the reserve fund of the state bonding fund shall have been depleted below the sum of one million dollars. The collection of premiums shall be resumed on the bonds of all public employees of the state of North Dakota and each political subdivision thereof, at the rates herein set forth, whenever the said reserve fund shall have been depleted below the sum of one million dollars. Such premium shall be collected again until the said reserve fund shall reach a total of one million two-hundred thousand dollars, at which time all such premiums shall again be waived until such reserve fund has been depleted below the sum of one million dollars. This section with respect to the collection of bond premiums shall constitute a continuing plan of maintaining the reserve fund so that it shall never remain below the sum of one million dollars nor be allowed to exceed the sum of one million two-hundred thousand dollars.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1947.

CHAPTER 211

S. B. No. 50
(Brant for Legislative Research Committee
at request of Insurance Department)

FEES CHARGEABLE BY COMMISSIONER OF INSURANCE**AN ACT**

To amend and reenact Section 26-0104 of the North Dakota Revised Code of 1943, relating to fees to be charged and collected by the commissioner of insurance.

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

§ 1. AMENDMENT.] That Section 26-0104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0104. FEES CHARGEABLE BY COMMISSIONER OF INSURANCE.] The commissioner of insurance shall charge and collect the following fees from any insurance company, association, corporation, or society doing business in this state, other than from a county mutual insurance company and from any other society of any kind under his jurisdiction which shall be liable only for the fees mentioned in Subsections 3, 6 and 12:

1. For filing articles of incorporation or copies thereof, twenty-five dollars;
2. For filing an annual statement, ten dollars;
3. For each certificate of authority or certified copy of a certificate of authority, two dollars;
4. For a copy of any paper filed in his office, twenty cents per folio;
5. For affixing his official seal on a copy of any paper filed in his office and certifying such copy, one dollar;
6. For an official examination, the actual expense and per diem incurred, such per diem charge not to exceed fifteen dollars;
7. For issuing a certificate to a domestic insurance company showing a compliance with the compulsory reserve provisions of this title and the maintenance of proper security deposits, and for any renewal of such certificate, five dollars;
8. For filing an annual report of a fraternal benefit society, and issuing a license or permit to such society, and for each renewal thereof, fifteen dollars;

9. For issuing a license for an agent of a domestic insurance company, fraternal benefit society, or any other society, other than a county mutual insurance company, or a certificate or copy thereof, two dollars;
10. For issuing a license for a resident agent of a foreign insurance company, or a certificate or copy thereof, two dollars;
11. For issuing a nonresident insurance agent's license, ten dollars;
12. For each abstract of the annual statement of an insurance company for publication, two dollars.
13. For issuing an annual reciprocal exchange license, fifteen dollars;
14. For issuing a license to a resident agent for the attorney for a reciprocal exchange, two dollars; and
15. For receiving the service of process as attorney, whether he is served with such process or admits service thereon, two dollars.

Approved March 10, 1947.

CHAPTER 212

H. B. No. 278—(Ohnstad and Yirchott)

AGE LIMITATIONS—CHANGE OF BENEFICIARIES—ACCIDENT AND SICKNESS INSURANCE COMPANIES

AN ACT

To amend and reenact Section 26-1308, of the North Dakota Revised Code of 1943 relating to age of members; limitations: members may change beneficiary named in policy or certificate.

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

§ 1. AMENDMENT.] That Section 26-1308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1308. AGE OF MEMBERS; LIMITATIONS: MEMBER MAY CHANGE BENEFICIARY NAMED IN POLICY OR CERTIFICATE.] A company organized or operating under the provisions of this chapter may issue to any person between the ages of three months and seventy-five years a certificate of

membership or a policy of insurance providing for hospital and surgical benefits only. Except as otherwise provided in this section, no such company shall issue any certificate of membership or policy of insurance to any person under the age of fifteen years or over the age of sixty-five years. Any member of any such company holding a certificate of membership or policy of insurance therein shall have the right at any time, with the consent of the company, to designate a new and different beneficiary therein without requiring the consent of the beneficiary named in the certificate or policy.

Approved March 11, 1947.

CHAPTER 213

S. B. No. 251—(Page and Raschko)

VOTING RIGHTS, ETC., ACCIDENT AND SICKNESS POLICY HOLDERS AN ACT

Amending and reenacting Section 26-1309 of the Revised Code of North Dakota for the year 1943, relating to the voting rights of policy holders in accident and sickness insurance companies, providing for notice of meetings, number of members constituting a quorum, and permitting the voting by proxy.

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

§ 1. AMENDMENT.] Section 26-1309 of the Revised Code of North Dakota for the year 1943 is hereby amended and re-enacted to read as follows:

26-1309. VOTING RIGHTS OF POLICY HOLDERS; NOTICE OF MEETINGS; QUORUM; VOTING BY PROXY AUTHORIZED.] Every member insured by a company organized under this chapter shall be a member of the company while his policy or policies are in force. Every member of the company shall be entitled to one vote or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premiums paid, as may be provided in the by-laws of the company. 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 as follows:

The assured is hereby notified that by virtue of this policy he is a member of.....company,
and that the annual meetings of such company are held at its home office on the day of
..... in each year at
o'clock.

When the blanks in such notice are properly filled, the same shall constitute a proper notice.

Twenty members shall constitute a quorum at any regularly constituted meeting of the policy or certificate holders.

Any policy or certificate holder may authorize in writing any other person entitled to vote at such meeting to vote for him, provided such proxy shall be dated and executed within three months prior to the meeting at which the same is to be used and shall have been returned and recorded on the books of the company twenty days or more before such meeting, and no officer, himself or by another, shall ask for, receive, procure to be obtained, or use a proxy vote.

Approved March 21, 1947.

CHAPTER 214

H. B. No. 333—(Committee on Industry and Business)

REGULATING RATES CASUALTY INSURANCE

AN ACT

Relating to the regulation of rates for casualty insurance including fidelity, surety and guaranty bonds and for all other forms of motor vehicle insurance, as defined and set forth in Subsections 1, 2, 4, 5, 6, and 7 of Section 26-1407 and in Subsections 5, 6 and 7 of Section 26-0802 of the North Dakota Revised Code for 1943, providing for procedures for the making of rates, rate filings, approval and disapproval of rates, licensing of rating organizations, deviations, appeals by members or subscribers of rating organizations, information to be furnished insureds for hearings and appeals, defining and providing for examination of advisory organizations, regulating joint underwriting or joint reinsurance, examinations of rating organizations, rate administration, penalties for false or misleading information, agreements concerning assigned risks, penalties, hearing procedure and judicial review, prohibiting rebates and repealing laws in conflict with this act.

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

§ 1. PURPOSE OF ACT.] The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate co-operative action among insurers in rate making and in other matters within the scope of this Act. Nothing in this Act is intended:

1. To prohibit or discourage reasonable competition, or

2. To prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices.

This Act shall be liberally interpreted to carry into effect the provisions of this section,

§ 2. SCOPE OF ACT.] This Act applies to casualty insurance, including fidelity, surety and guaranty bonds, and to all other forms of motor vehicle insurance, as defined and set forth in Subsections, 1, 2, 4, 5, 6 and 7 of Section 26-1407 and in Subsections 5, 6 and 7 of Section 26-0802 of the North Dakota Revised Code for 1943, on risks or operations in this state, except:

1. Reinsurance, other than joint reinsurance to the extent stated in Section 11;
2. Accident and health insurance;
3. Insurance against loss of or damage to aircraft of against liability, other than workmen's compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft.

This Act applies to every insurer, including every stock or mutual company, reciprocal or inter-insurance exchange, authorized by any provision of the laws of this state to transact any of said kinds of insurance, provided, however, that this Act shall not apply to county mutual insurance companies organized under Chapter 26-15, North Dakota Revised Code of 1943.

If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this Act, is also subject to regulation by another rate regulatory act of this state, an insurer to which both acts are otherwise applicable shall file with the commissioner of insurance, hereinafter referred to as commissioner, a designation as to which rate regulatory act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

§ 3. MAKING OF RATES.]

1. All rates shall be made in accordance with the following provisions:
 - (a) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings, or unab-

sorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state;

- (b) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or group of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof, for which subdivision or combination separate expense provisions are applicable;
 - (c) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expense;
 - (d) Rates shall not be excessive, inadequate or unfairly discriminatory.
2. Except to the extent necessary to meet the provisions of subdivision (d) of subsection 1 of this Section, uniformity among insurers in any matters within the scope of this Section is neither required nor prohibited.

§ 4. RATE FILINGS.]

1. Every insurer shall file with the commissioner every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether such filing meets the requirements of the Act, he shall require such insurer to furnish the information upon which it supports such filing

and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

- (a) The experience or judgment of the insurer or rating organization making the filing,
 - (b) Its interpretation of any statistical data it relies upon,
 - (c) The experience of other insurers or rating organizations, or
 - (d) Any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective.
2. An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.
 3. The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.
 4. Subject to the exception specified in subsection 3 of this Section, each filing shall be on file for a waiting period of fifteen days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this Act unless disapproved by the commissioner within the waiting period or any extension thereof.
 5. Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective

when filed and shall be deemed to meet the requirements of this Act until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

6. Under such rules and regulations as he shall adopt the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subdivision (d) of subsection 1 of Section 3.
7. Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.
8. Beginning 180 days after the effective date of this Act no insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in this Act or in accordance with subsections 6 or 7 of this Section.

§ 5. DISAPPROVAL OF FILINGS.]

1. If within the waiting period or any extension thereof as provided in Subsection 4 of Section 4, the commissioner finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.
2. If within thirty days after a special surety or guaranty filing subject to Subsection 5 of Section 4 has become effective, the commissioner finds that such filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respect he finds that such filing fails to meet the requirements of this Act and stating when, within a reasonable

period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

3. If at any time subsequent to the applicable review period provided for in Subsections 1 or 2 of this Section, the commissioner finds that a filing does not meet the requirements of this Act, he shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.
4. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing. If, after such hearing, the commissioner finds that the filing does not meet the requirements of this Act, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.
5. No manual of classifications, rules, rating plans, or any modification of any of the foregoing which es-

tablish standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to the requirements of Section 4 of this Act, shall be disapproved if the rates thereby produced meet the requirements of this Act.

§ 6. RATING ORGANIZATIONS.]

1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the commissioner for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith.
 - (a) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business,
 - (b) a list of its members and subscribers,
 - (c) the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served, and
 - (d) a statement of its qualifications as a rating organization. If the commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or revoked by the commissioner. The fee for said license shall be twenty-five dollars. Licenses issued pursuant to this Section may be suspended or revoked by the commissioner, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commissioner promptly of every change in

- (1) its constitution, its articles of agreement or association or its certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business,
 - (2) its list of members and subscribers, and
 - (3) the name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.
2. Subject to rules and regulations which have been approved by the commissioner as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the commissioner at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the commissioner as if the application had been rejected. If the commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.
3. No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.
4. Cooperation among rating organizations or among

rating organizations and insurers in rate making or in other matters within the scope of this Act is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Act which are applicable to filings generally. The commissioner may review such cooperative activities and practices and if, after a hearing, he finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

§ 7. DEVIATIONS.] Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is found by the commissioner to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance.

1. Comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or
2. For which separate expense provisions are included in the filings of the rating organization.

Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization. The commissioner shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of

one year from the date of such permission unless terminated sooner with the approval of the commissioner.

§ 8. APPEAL BY MINORITY.] Any member of or subscriber to a rating organization may appeal to the commissioner from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commissioner shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in Subdivision (b) of Subsection 1 of Section 3, from the system of expense provisions included in a filing made by the rating organization, the commissioner shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the commissioner shall apply the standards set forth in Section 3.

§ 9. INFORMATION TO BE FURNISHED INSURED; HEARINGS AND APPEALS OF INSURED.] Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party

affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commissioner, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

§ 10. ADVISORY ORGANIZATIONS.]

1. Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this Act, shall be known as an advisory organization.
2. Every advisory organization shall file with the commissioner
 - (a) A copy of its constitution, its articles of agreement or association or its certificates of incorporation and of its by-laws, rules and regulations governing its activities,
 - (b) a list of its members,
 - (c) the name and address of this state upon which notices or orders of the commissioner or process issued at his direction may be served, and
 - (d) an agreement that the commissioner may examine such advisory organization in accordance with the provisions of Section 12 of this Act.
3. If, after a hearing, the commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such act or practices is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such act or practice.
4. No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this Section or with an order of the commissioner involving such statistics or recommendations issued under Subsection 3 of this Section. If the commissioner finds such insurer or rating organiza-

tion to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

§ 11. JOINT UNDERWRITING OR JOINT REINSURANCE.]

1. Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this Act and, with respect to joint reinsurance, to Sections 12 and 16 to 20 of this Act.
2. If, after a hearing, the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

§ 12. EXAMINATIONS.] The commissioner shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in Section 6 and he may, as often as he may deem expedient, make or cause to be made an examination of each advisory organization referred to in Section 10 and of each group, association or other organization referred to in Section 11. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officer, manager, agents and employees of such rating organizations, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation.

The commissioner shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the commissioner shall grant a hearing to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the

commissioner against the organization, group or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The commissioner may withhold the report of any such examination from public inspection for such time as he may deem proper.

In lieu of any such examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

§ 13. RATE ADMINISTRATION.]

1. Recording and Reporting of Loss and Expense Experience. The commissioner shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standards set forth in Section 3. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a pro-rating of countrywide expense experience. In promulgating such rules and plans, the commissioner shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The commissioner may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commissioner, to insurers and rating organizations.
2. Interchange of Rating Plan Data. Reasonable rules and plans may be promulgated by the commissioner for the interchange of data necessary for the application of rating plans.
3. Consultation with other States. In order to further uniform administration of rate regulatory laws, the

commissioner and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

4. Rules and Regulations. The commissioner may make reasonable rules and regulations necessary to effect the purposes of this Act.

§ 14. FALSE OR MISLEADING INFORMATION.] No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to, the commissioner, any statistical agency designated by the commissioner, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this Act. A violation of this Section shall subject the one guilty of such violation to the penalties provided in Section 17 of this Act.

§ 15. ASSIGNED RISKS.] Agreements may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the commissioner.

§ 16. REBATES PROHIBITED.] No broker or agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the provisions of this Act. No insurer or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. Nothing in this Section shall be construed as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, dividends, savings or unabsorbed premium deposits.

As used in this Section the word "insurance" includes suretyship and the word "policy" includes bond.

§ 17. PENALTIES.] Any person, firm or corporation who violates any provision of this Act shall be guilty of misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) for each such violation, but if the court finds that such violation was wilful, it may impose a fine of not more than five hundred dollars (\$500) for each such violation. Such penalties may be in addition to any other penalties provided by law.

The commissioner may suspend the license of any rating organization or insurer which fails to comply with the order of the commissioner with the time limited by such order or any extension thereof which the commissioner may grant. However, no right to suspend any such license shall exist until after the time for appeal from such order has expired, or if an appeal has been taken, until such order has been affirmed, and no right of suspension shall exist if prompt compliance with such order is made following the expiration of the time for appeal or the entry of a final order or judgment of affirmance upon appeal. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

§ 18. HEARING PROCEDURE AND JUDICIAL REVIEW.]

1. Any insurer or rating organization aggrieved by any order or decision of the commissioner made without a hearing may, within thirty days after notice of the order to the insurer or organization, make written request to the commissioner for a hearing thereon. The commissioner shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the commissioner may suspend or postpone the effective date of his previous action.

2. Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.
3. Any order or decision of the commissioner shall be subject to review by appeal within the time and in the manner provided by Chapter 28-32 of the North Dakota Revised Code of 1943 as the same has been or may hereafter be amended.

§ 19. LAWS REPEALED.] All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

§ 20. CONSTITUTIONALITY.] If any section, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Approved March 17, 1947.

CHAPTER 215

H. B. No. 100

(Ellingson, Gackle of LaMoure, Holand,
Benson and Gackle of McHenry)

ORGANIZATION COUNTY MUTUAL INSURANCE COMPANIES AN ACT

To amend and reenact Section 26-1501 of the North Dakota Revised Code of 1943 as amended by Chapter 211 of the Session Laws of North Dakota for the year 1945, relating to organization of county mutual insurance companies.

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

§ 1. AMENDMENT.] That Section 26-1501 of the North Dakota Revised Code of 1943 as amended by Chapter 211 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

26-1501. COUNTY MUTUAL INSURANCE COMPANY: ORGANIZATION; ORGANIZERS REQUIRED.] A corporation for mutual insurance against loss or damage by fire, lightning, cyclone, windstorm, tornado, hail, except upon growing crops, any hazard upon any risk upon livestock, explosion, except the explosion of steam boilers and flywheels, riot, riot attending a strike, civil commotion, aircraft, vehicles and smoke to the property of the insured, or all of such forms of insurance, may

be formed in accordance with the provisions of this chapter by:

1. Any number of persons, not less than fifty, residing in not more than ten counties in this state, who collectively own property of not less than one hundred thousand dollars in value which they desire to insure; or
2. Any number of persons, not less than twenty-five, residing in any one county in this state, who collectively own property of not less than twenty-five thousand dollars in value which they desire to insure.

No such company shall write insurance, insuring against loss by reason of bodily injury to a person or against legal liability of the insured arising out of the death or injury of any person, or against legal liability of the insured arising out of the loss or destruction of, or damage to, the property of any other person.

Approved March 3, 1947.

CHAPTER 216

H. B. No. 98

(Ellingson, Gackle of LaMoure, Holand,
Benson and Gackle of McHenry)

POWERS, LIABILITIES, DUTIES, ETC., COUNTY MUTUAL INSURANCE COMPANIES

AN ACT

To amend and reenact Section 26-1502 of the North Dakota Revised Code of 1943, relating to the general powers, liabilities, and duties of county mutual companies; place of office, name and the limitations of such companies.

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

§ 1. AMENDMENT.] That Section 26-1502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1502. GENERAL POWERS, LIABILITIES, DUTIES OF COUNTY MUTUAL COMPANY: OFFICE; NAME; LIMITATIONS.] A county mutual insurance company shall possess the powers and be subject to the liabilities and duties of other insurance companies, except that:

1. The principal office of the corporation must be located within the limits of the county or counties in which the incorporators reside;
2. When the corporation is organized by the residents of a single county, the name of such county together with the word "county" shall be embraced in the corporate name of the company; and
3. Any corporation organized under the provisions of this chapter for mutual protection against loss or damage by tornadoes, windstorms, cyclones, hail, except upon growing crops, and any hazard upon any risk upon livestock, only, may operate and issue policies in all of the counties of the state, but in all other matters shall be regulated and limited by the provisions of this chapter.

Approved March 3, 1947.

CHAPTER 217

H. B. No. 179—(Ohnstad and Saumur)

INVESTMENT OF FUNDS DOMESTIC INSURANCE COMPANIES

AN ACT

To amend and reenact Section 26-0811 of the North Dakota Revised Code of 1943 concerning investment of funds by domestic insurance company; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 26-0811 of the North Dakota Revised Code of 1943 is hereby amended and reenacted 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:

1. Securities or obligations which are made eligible specifically to such investment by law;
2. a. Bonds or other evidence of indebtedness issued, assumed, or guaranteed by the United States of America, the District of Columbia, or by any state, insular or territorial possession of the United

- States or by any county, city, village, township, duly organized school district, municipality, or other civil division therein, including those payable from special revenues or earnings specifically pledged for the payment thereof, and those payable from special assessments ;
- b. Bonds or other evidences of indebtedness issued, assumed or guaranteed by the Dominion of Canada, or by any province thereof, or by any municipality or district therein, provided that the obligations are valid and legally authorized and issued ;
3. Notes secured by mortgages on improved unencumbered real estate, including leaseholds substantially having and furnishing the rights and protection of a first real estate mortgage, within any state of the United States of America. No loan shall be made under this subsection, however, unless the property mortgaged is worth double the amount of the loan secured by the mortgage, except where a loan is amortized on the basis of a final maturity twenty-five years or less from the date of the loan, it may be made in an amount not exceeding sixty-six and two-thirds percent of the value of the property mortgaged. Buildings shall not be included in the valuation of such property unless they are insured and the policies are made payable to the company as its interest may appear, and then only to the extent of such insurance. No insurance company shall hold less than the entire loan represented by such bonds or notes described in this subsection unless the security of said bonds or notes, as well as all collateral papers, including insurance policies, executed in connection therewith, are made to and held by a trustee, which trustee shall be a solvent bank or trust company having a paid-in capital of not less than two hundred and fifty thousand dollars, except in case of banks or trust companies incorporated under the laws of the state of North Dakota, wherein a paid-in capital of not less than one hundred thousand dollars shall be required, and that in case of proper notification of default such trustee, upon request of at least twenty-five percent of the holders of the bonds outstanding, and proper indemnification, shall proceed to protect the rights of such bond holders under the provisions of the trust indenture ;
4. First mortgage bonds on improved city real estate in any state, issued by a corporation duly incorporated

- under the laws of any state of the United States of America, if the loans on such real estate are made in accordance with the requirements as to the first mortgage loans set forth in Subsection 3 of this section;
5. Mortgage bonds and debentures of any solvent railway company duly incorporated and authorized under the laws of this state or of any other state, territory, or insular possession of the United States, or of the Dominion of Canada or of any province thereof;
 6. Mortgage bonds and debentures of any solvent industrial public utility or financial corporation duly incorporated and authorized under the laws of the United States of America or of any state, territory, or insular possession thereof, or of the Dominion of Canada or of any province thereof;
 7. Promissory notes amply secured by the pledge of bonds or other evidences of indebtedness in which the company is authorized to invest its funds by the provisions of this section;
 8. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by any instrumentality or agency of the United States of America;
 9. Shares and savings in domestic building and loan associations and federal savings and savings and loan associations, and shares and savings in building and loan associations organized under the laws of other states, if such shares and savings are insured by the federal savings and loan insurance corporation;
 10. Loans made upon the security of its own policies, if a life insurance company, but no loan on any policy shall exceed the reserve value thereof;
 11. Preferred stock, of, or common or preferred stock guaranteed as to dividends by, and common stock of, any corporation organized under the laws of the United States, any state, territory, or possession of the United States, the District of Columbia, the Dominion of Canada or any province of the Dominion of Canada subject to the following restrictions and limitations:
 - a. The company issuing such preferred stock or guaranteeing the dividends on such common stock shall have earned an average amount per annum at least equal to five percent of the par value of its common and preferred stocks or in the case of stocks having no par value, of its issued or stated

- value outstanding at the date of purchase, over the period of seven fiscal years immediately preceding the date of purchase or which over such period earned an average amount per annum at least equal to two times the total of its annual interest charges, preferred dividends, and dividends guaranteed by it, determined with reference to the date of purchase;
- b. The company issuing any common stock shall have earned an average amount per annum at least equal to six percent of the par value of its capital stock, or in the case of stock having no par value of the issued or stated value of such stock, outstanding at the date of purchase over the period of seven fiscal years immediately preceding the date of purchase;
 - c. No investments shall be made in any stock authorized under this section if the corporation issuing or guaranteeing the same shall have been in arrears in the payment of dividends thereunder for a period of ninety days within the five year period immediately preceding purchase of such stock;
 - d. Investments in preferred, guaranteed, and common stocks shall not exceed in the aggregate ten per cent of the life insurance company's admitted assets.
12. In loans, securities, or investments in addition to those permitted in this section, whether or not such loans, securities, or investments qualify or are permitted as legal investments under its charter, or under other provisions of this section or under other provisions of the laws of this state. The aggregate of such company's investments under this subsection shall not at any time exceed five percent of such company's admitted assets, nor more than an amount equal to company's unassigned surplus whichever be less.

Nothing in this section shall be construed as prohibiting a company from taking any action deemed necessary or expedient for the protection or investments made by it or from accepting in good faith, to protect its interests, securities or property not herein mentioned in payment or to secure debts due to it.

§ 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, 1947.

CHAPTER 218

H. B. No. 180—(Ohnstad and Saumur)

LIMITATION ON PURCHASE AND CONVEYANCE OF REAL PROPERTY—DOMESTIC INSURANCE COMPANIES

AN ACT

To amend and reenact Section 26-0812 of the North Dakota Revised Code of 1943, providing for a limitation on the purchase and conveyance of real property by domestic insurance companies.

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

§ 1. AMENDMENT.] That Section 26-0812 of 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 accommodation 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; and
4. Have been purchased at sales on judgments, decrees, or mortgages obtained or made for debts previously contracted in the course of its dealings.

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, provided no company by remodeling expense, other than Home Office, invest more than ten percent of the company's capital stock and surplus without the permission of the Commissioner of Insurance.

Approved March 11, 1947.

CHAPTER 219**S. B. No. 258—(Wog, Lofthus, Brant, and Bridston)****ASSESSMENTS, RATES, LOSS PAYMENTS, ETC., FIRE AND
TORNADO FUND****AN ACT**

To amend and reenact Section 26-2413 of the North Dakota Revised Code of 1943, as amended by Section 2 of Chapter 28 of the Authenticated Edition of the Acts of the 1944 Special Session of the North Dakota Twenty-eighth Legislative Assembly, Senate Bill No. 13, providing for assessments to be made for the State Fire and Tornado Fund whenever the reserve fund is depleted below the sum of Four Million Dollars; and to amend and reenact Section 26-2414 of the North Dakota Revised Code of 1943, providing for premiums equal to fifty percent of the rate established by the Fire Underwriters Inspection Bureau on all public property not insured in the Fund for at least five years, and charging a premium equal to twenty-five percent of such Bureau rate on all such property which shall have been insured in the Fund for five years when the reserve Fund is not up to Four Million Dollars and eliminating premiums on all public property insured in the Fund for five years when the reserve fund is up to Four Million Dollars; and to amend and reenact Section 26-2417 of the North Dakota Code of 1943 providing for the payment of losses by the Fund and authorizing the Commissioner of Insurance with the approval of the Industrial Commission to issue Premium Anticipation Certificates when the Fund shall have been depleted below Two Million Dollars due to a catastrophe or disaster, or a succession of catastrophes or disasters, and authorizing the Commissioner of Insurance to levy an assessment to retire such Premium Anticipation Certificates, and allowing any State Department to invest its funds in such Premium Anticipation Certificates; and to amend Section 26-2422 of the North Dakota Revised Code of 1943, requiring the Commissioner of Insurance to procure and keep in force a policy or policies of reinsurance or excess insurance on all extraordinary industrial risks over One Hundred Thousand Dollars and requiring the industry or governing board thereof to pay the premiums for such reinsurance or excess insurance; and to repeal Sections 26-2423 and 26-2424 of the North Dakota Revised Code of 1943 as amended by Chapter 209 of the 1945 Session Laws, and to repeal all other acts or parts of acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 26-2413 of the North Dakota Revised Code of 1943, as amended by Section 2 of Chapter 28 of the Authenticated Edition of the Acts of the 1944 Special Session of the North Dakota Twenty-eighth Legislative Assembly, be and the same hereby is amended and reenacted to read as follows:

26-2413. ASSESSMENTS.] If the reserve fund shall have been depleted below the sum of Four Million Dollars, the Commissioner shall determine the amount of money which

may be necessary to bring the said reserve fund up to the sum of Four Million Dollars and he, thereupon shall levy an assessment against each and every policy in force with the Fund on all public property. Said Assessment shall be computed as follows:

The 80% or 90% co-insurance rate established by the Fire Underwriters Inspection Bureau for each insured property to which said 80% or 90% co-insurance rate may be applicable, and the full rate established for properties to which the said co-insurance rate is not applicable under the rules of the said Fire Underwriters Inspection Bureau, shall be applied to the amount of insurance provided in each policy and the result of the application of said rate to the amount of insurance shall set the tentative assessment to be made against such policy. The total of all such tentative assessments shall then be ascertained. The percentage of such assessment necessary to restore the reserve fund to the sum of Four Million Dollars shall then be computed and collected on each policy. In case of a fractional percentage the next higher whole percent shall be used in such computation.

§ 2. AMENDMENT.] That Section 26-2414 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

26-2414. NEW CONSTRUCTION INSURANCE RATE.] Any property which shall not have been insured in the fund for a period of at least five years shall be charged a premium equal to fifty percent of the rate established by the Fire Underwriters Inspection Bureau. Any additional insurance shall be regarded as a new risk upon which premiums must be paid until such additional insurance has been in force for a period of five years. After any such property shall have been insured in the fund for a period of five years and the reserve fund is not up to four million dollars on August 1, 1947, it shall thereafter be charged a premium equal to twenty-five percent of such bureau rate. However, after the reserve fund is up to Four Million Dollars and any property shall have been insured in the fund for a period of five years it shall thereafter be subject only to the assessment as provided in this chapter.

§ 3. AMENDMENT.] That Section 26-2417 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

26-2417. LOSS; HOW PAID.] All losses occasioned by the hazards hereinbefore provided for shall be paid out of the fund in an amount not exceeding the amount of the insurance upon any particular risk. The loss upon any building or property insured in the fund, whether totally destroyed or partially damaged by reason of said hazards or any of them,

shall be adjusted by the commissioner or a duly authorized adjuster or adjusting company. Immediately upon the happening or occasion of any such loss or damage the officer, board, agent or agency having charge or control of the property destroyed or damaged shall notify the commissioner by telegram or in writing, giving the description of the property, the amount of insurance carried, the probable amount of loss or damage, and the probable cause of loss or damage. The officer, board, or agency having control of such damaged property shall not disturb the same except as provided in the policy until the commissioner or his agent shall have adjusted the loss or shall have given notice that the information on which adjustment is to be made has been secured. Adjustment and allowance for loss and damage to insured property shall be paid out of the fund upon warrants drawn by the commissioner upon the state treasurer against the Fund. However, if at any time due to a catastrophe or disaster, or a succession of catastrophes or disasters, the reserve fund shall have been depleted below the sum of Two Million Dollars, the Commissioner may, with the approval of the Industrial Commission, issue Premium Anticipation Certificates in an amount sufficient to bring the reserve fund up to Two Million Dollars. Such Premium Anticipation Certificates shall be issued for a period of from ten to twenty years, as determined by the Commissioner with the approval of the Industrial Commission, and the interest and principal shall be paid and retired by assessments levied on all policies in force with the Fund. To retire these Premium Anticipation Certificates, the Commissioner of Insurance shall levy a special assessment against all property insured in the Fund, provided, however, that the total of all assessments and premiums provided for in this act shall not exceed the full Bureau rate. Any state department shall have the right to invest its funds in the purchase of such Premium Anticipation Certificates.

§ 4. AMENDMENT.] That Section 26-2422 of the North Dakota Revised Code of 1943, be and the same hereby is amended and reenacted to read as follows:

26-2422. INSURANCE REQUIRED.] From and after the first day of August, 1947, the commissioner of insurance shall procure and he shall keep in force, a policy or policies of reinsurance or excess insurance on the North Dakota State Mill and Elevator, the Twine Cordage Plant, and on any and all other extraordinary risks of like nature owned by the State of North Dakota or any of its political subdivisions, but no loss shall be covered by such reinsurance or excess insurance below One Hundred Thousand Dollars. The cost of such reinsurance or excess insurance on extraordinary industrial risks shall immediately be paid to the State Fire and Tornado

Fund by the industry or governing board of such industry upon presentation by the State Fire and Tornado Fund of a bill for such reinsurance or excess insurance. Such insurance or excess insurance shall be procured by the Commissioner and the State Fire and Tornado Fund only through bids as hereinafter provided, and shall be written only in a company or companies authorized to do business within the state of North Dakota.

On or before the second Monday in June of 1947 and of each odd-numbered year thereafter, the commissioner of insurance shall publish in the official newspaper of Burleigh County, North Dakota, a notice that on the last Monday in June of such year the insurance commissioner will accept bids for such reinsurance or excess insurance at his office in the State Capitol in the City of Bismarck, North Dakota. A copy of such notice also shall be posted at the office of the State Fire and Tornado Fund. A copy of such notice shall also be mailed to each fire insurance company licensed to do business in the State of North Dakota. On the said last Monday in June of each odd-numbered year, the commissioner of insurance shall contract for such reinsurance or excess insurance with the company or group of companies submitting the lowest responsible and qualified bid therefor for the two year period commencing on the ensuing first day of August.

§ 5. INVALID SECTIONS.] Should any part of this act be declared invalid, all other acts and provisions thereof shall remain in full force and effect.

§ 6. REPEAL.] Sections 26-2423 and 26-2424 of the North Dakota Revised Code of 1943, as amended by Chapter 209 of the 1945 Session Laws, are hereby repealed and all other acts or parts of acts in conflict herewith are hereby repealed.

§ 7. 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 21, 1947.

CHAPTER 220**H. B. No. 292—(Committee on Industry and Business)****REGULATING MISC. FIRE AND OTHER PROPERTY INSURANCE RATES****AN ACT**

Relating to the regulation of rates of fire, marine, inland marine, hail, windstorm, cyclone, tornado, explosion, water damage, and all other forms of insurance on property, and the loss of use and occupancy thereof as defined and set forth in Subsections 1, 6 and 7 of Section 27-1407 (26-1407) and in Subsections 1, 2 and 7 of Section 26-0802 of the North Dakota Revised Code for 1943; providing procedures for the making of rates and the filing of rates with the insurance commissioner, and providing for the approval or disapproval of rates so filed; providing for the licensing of rating organizations for such kinds of insurance; providing for rules and regulations to be adopted by the insurance commissioner with respect to approval or disapproval of rates; providing for deviations, appeals by members of rating organizations; providing for furnishing of information concerning rates to insureds; providing for joint underwriting or joint re-insurance examinations of rating organizations and rate administration; providing penalties for false or misleading information, and for penalties in violation of this Act; providing for hearing procedure and judicial review, and prohibiting rebates, and providing penalties therefor, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. PURPOSE OF ACT.] The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making, and in other matters within the scope of this Act. Nothing in this Act is intended:

1. To prohibit or discourage reasonable competition, or
2. To prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity of insurance rates, rating systems, rating plans or practices.

This Act shall be liberally interpreted to carry into effect the provisions of this section.

§ 2. SCOPE OF ACT.] This Act applies to fire, marine, inland marine, hail, windstorm, cyclone, tornado, explosion, water damage, and all other forms of insurance on property, and the loss of use and occupancy thereof as defined and set forth in Subsections 1, 6 and 7 of Section 26-1407 and in Subsections 1, 2 and 7 of Section 26-0802 of the North Dakota Revised Code of 1943, except as hereinafter excluded. In-

land marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the commissioner of insurance, hereinafter referred to as commissioner, or as established by general custom of the business, as inland marine insurance. This Act shall not apply:

1. To reinsurance other than joint reinsurance to the extent stated in Section 11;
2. To insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies;
3. To insurance of hulls of aircraft, including their accessories and equipment, or against liability arising out of ownership, maintenance or use of aircraft;
4. To motor vehicle insurance, nor to insurance against liability arising out of the ownership, maintenance or use of motor vehicles.

This Act applies to every insurer, including every stock or mutual company, reciprocal or inter-insurance exchange, authorized by any provision of the laws of this state to transact any of said kinds of insurance, provided, however, that this Act shall not apply to county mutual insurance companies organized under Chapter 26-15, North Dakota Revised Code of 1943.

If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this Act, is also subject to regulation by another state regulatory act of this state, an insurer to which both acts are otherwise applicable shall file with the commissioner a designation as to which state regulatory act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

§ 3. MAKING OF RATES.]

1. Rates shall be made in accordance with the following provisions:
 - a. Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specified inland marine rates on risks specially rated.
 - b. Rates shall not be excessive, inadequate or unfairly discriminatory.

- c. Due consideration shall be given to past and prospective loss experience within and outside this state, to the conflagration and catastrophe hazards, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurer to their policyholders, members or subscribers, to past and prospective expenses both country-wide and those specially applicable to this state, and to all other relevant factors within and outside this state; and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five year period for which such experience is available.
2. Except to the extent necessary to meet the provisions of Subdivision b of Subsection 1 of this Section, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.
3. Rates made in accordance with this section may be used subject to the provisions of this act.

§ 4. RATE FILINGS.]

1. Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether such filing meets the requirements of the Act, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

- a. The experience or judgment of the insurer or rating organization making the filing,
- b. Its interpretation of any statistical data it relies upon,
- c. The experience of other insurers or rating organizations, or

d. Any other relevant factors.

A filing and any supporting information shall be open to public inspection after the filing becomes effective. Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

2. An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.
3. The Commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.
4. Subject to the exception specified in Subsection 5 of this section, each filing shall be on file for a waiting period of fifteen days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize, a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this Act unless disapproved by the commissioner within the waiting period or any extension thereof.
5. Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this Act until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.
6. Under such rules and regulations as he shall adopt the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders,

rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may take such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in Subdivision b of Subsection 1 of Section 3 hereinbefore set forth in this Act.

7. Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.
8. Beginning 180 days after the effective date of this Act no insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for said insurer as provided in this Act or in accordance with Subsection 6 or 7 of this Section. This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required.

§ 5. DISAPPROVAL OF FILINGS.]

1. If within the waiting period or any extension thereof as provided in Subsection 4 of Section 4, the commissioner finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.
2. If within thirty days after a specific inland marine rate on a risk specially rated by a rating organization, subject to Subsection 5 of Section 4 has become effective, the commissioner finds that such filing does not meet the requirements of this Act, he shall send to the rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.
3. If at any time subsequent to the applicable review period provided for in Subsection 1 or 2 of this sec-

tion, the commissioner finds that a filing does not meet the requirements of this Act, he shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

4. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing. If, after such hearing, the commissioner finds that the filing does not meet the requirements of this Act, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.
5. No manual, minimum, class rate, rating schedule, rating plan, or rating rule, or any modification of any of the foregoing, which has been filed pursuant to the requirements of Section 4 of this Act, shall be disapproved if the rates thereby produced meet the requirements of this Act.

§ 6. RATING ORGANIZATIONS.]

1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the commissioner for license as a rating organization for such kinds of insurance or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith:
 - a. A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business;
 - b. A list of its members and subscribers;
 - c. The name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served; and
 - d. A statement of its qualifications as a rating organization.

If the commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or revoked by the commissioner. The fee for said license shall be twenty-five dollars. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection. Every rating organization shall notify the commissioner promptly of every change in:

- e. Its constitution, its articles of agreement or association, or its certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business;

- f. Its list of members and subscribers; and
 - g. The name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.
2. Subject to rules and regulations which have been approved by the commissioner as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber, or any such insurer, be reviewed by the commissioner at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the commissioner as if the application had been rejected. If the commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.
 3. No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.
 4. Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this Act is hereby

authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Act which are applicable to filings generally. The commissioner may review such cooperative activities and practice and if, after a hearing, he finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

5. Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the commissioner thereof. All information so submitted for examination shall be confidential.
6. Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

§ 7. DEVIATIONS] Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commissioner for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The commissioner shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the commissioner shall give consideration to the available statistics and the

principles for rate making as provided in Section 3 of this Act. The commissioner shall issue an order permitting the deviation for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the commissioner.

§ 8. APPEAL BY MINORITY.] Any member of or subscriber to a rating organization may appeal to the commissioner from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commissioner shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

§ 9. INFORMATION TO BE FURNISHED INSURED; HEARINGS AND APPEALS OF INSURED.] Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application or its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action appeal to the commissioner, who, after a hearing held upon not less than

ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

§ 10. ADVISORY ORGANIZATIONS.]

1. Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this Act, shall be known as an advisory organization.
2. Every advisory organization shall file with the commissioner:
 - a. A copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules and regulations governing its activities;
 - b. A list of its members;
 - c. The name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at his direction may be served, and
 - d. An agreement that the commissioner may examine such advisory organization in accordance with the provisions of Section 12 of this Act.
3. If, after a hearing, the commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such act or practice.
4. No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this Section or with an order of the commissioner involving such statistics or recommendations issued under Subsection 3 of this Section. If the commissioner finds such insurer or rating organization to be in violation of this subsection he may issue

an order requiring the discontinuance of such violation.

§ 11. JOINT UNDERWRITING OR JOINT REINSURANCE.]

1. Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this Act and, with respect to joint reinsurance to Sections 12 and 15 to 19 of this Act.
2. If, after a hearing, the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

§ 12. EXAMINATIONS.] The commissioner shall, at least once in every five years, make or cause to be made an examination of each rating organization licensed in this state as provided in Section 6 and he may, as often as he may deem it expedient, make or cause to be made an examination of each advisory organization referred to in Section 10 and of each group, association or other organization referred to in Section 11. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation.

The commissioner shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the commissioner shall grant a hearing to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the commissioner against the organization, group or association

examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The commissioner may withhold the report of any such examination from public inspection for such time as he may deem proper.

In lieu of any such examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

§ 13. RATE ADMINISTRATION.]

- 1. Recording and Reporting of Loss and Expense Experience.** The commissioner shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standards set forth in Section 3. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the commissioner shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The commissioner may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commissioner, to insurers and rating organizations.
- 2. Interchange of Rating Plan Data.** Reasonable rules and plans may be promulgated by the commissioner for the interchange of data necessary for the application of rating plans.
- 3. Consultation with other States.** In order to further uniform administration of rate regulatory laws, the

commissioner and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

4. Rules and Regulations. The commissioner may make reasonable rules and regulations necessary to effect the purposes of this Act.

§ 14. FALSE OR MISLEADING INFORMATION.] No person or organization shall wilfully withhold information from, or knowingly give false or misleading information to, the commissioner, any statistical agency designated by the commissioner, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this Act. A violation of this Section shall subject the one guilty of such violation to the penalties provided in Section 16 of this Act.

§ 15. REBATES PROHIBITED.] No broker or agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the provisions of this Act. No insurer or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in an applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement.

Nothing in this section shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, dividends, savings or unabsorbed premium deposits.

§ 16. PENALTIES.] Any person, firm or corporation who violates any provision of this Act shall be guilty of misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) for each such violation, but if the court finds that such violation was wilful, it may impose a fine of not more than five hundred dollars (\$500) for each such viola-

tion. Such penalties may be in addition to any other penalties provided by law.

The commissioner may suspend the license of any rating organization or insurer which fails to comply with the order of the commissioner within the time limited by such order or any extension thereof which the commissioner may grant. However, no right to suspend any such license shall exist until after the time for Appeal from such order has expired, or if an appeal has been taken, until such order has been affirmed, and no right of suspension shall exist if prompt compliance with such order is made following the expiration of the time for appeal or the entry of a final order or judgment of affirmance upon appeal. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

§ 17. HEARING PROCEDURE AND JUDICIAL REVIEW.]

1. Any insurer or rating organization aggrieved by any order or decision of the commissioner made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the commissioner for a hearing thereon. The commissioner shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the commissioner may suspend or postpone the effective date of his previous action.
2. Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.
3. Any order or decision of the commissioner shall be subject to review by appeal within the time and in the manner provided by Chapter 28-32 of the North Dakota Revised Code of 1943 as same has been or may hereafter be amended.

§ 18. LAWS REPEALED.] All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

§ 19. CONSTITUTIONALITY.] If any section, subsection, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Approved March 17, 1947.

CHAPTER 221

S. B. No. 279—(Committee on Industry and Business)

REPORT OF CERTIFICATE VALUATION FRATERNAL BENEFIT SOCIETIES

AN ACT

To amend and reenact Section 26-1234 of the North Dakota Revised Code of 1943, relating to the report of certificate valuation, verification, and minimum standard of certificate valuation of fraternal societies; and declaring an emergency.

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

§ 1. AMENDMENT.] Section 26-1234 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1234. REPORT OF CERTIFICATE VALUATION: VERIFICATION; MINIMUM STANDARD OF VALUATION.] Annually, and within ninety days after the submission of the last preceding annual report, each fraternal benefit society transacting business in this state shall file with the commissioner of insurance a report showing the valuation of its certificates in force on the thirty-first day of December last preceding, and including those issued within the year for which the report is filed in cases where the contributions for the first year are used in whole or in part for current mortality and expense payments. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state, territory, or province of the society. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality and four percent interest, or, at the option of the society any higher table or a table based upon the society's own experience of at least twenty years and covering

not less than one hundred thousand lives, with interest assumption of not more than four percent per annum, or any table and interest rate producing greater aggregate net values than those herein above prescribed, such as the Commissioners 1941 Standard Ordinary Table. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society. Where a combined contribution table is used by a society for both death and permanent total disability benefits, however, the valuation shall be according to tables of reliable experience, and in such case, a separation of the funds shall not be required.

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

Approved March 21, 1947.

CHAPTER 222

S. B. No. 162—(Olson of Mountrail, Peterson, O'Brien and Page)

ADDITIONAL COVERAGE STATE HAIL INSURANCE

AN ACT

To provide for additional hail insurance coverage by the state hail insurance department; providing a method of securing such additional coverage; providing payment of cash premiums for such additional insurance; rules and regulations; and declaring an emergency.

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

§ 1. ADDITIONAL COVERAGE BY STATE HAIL INSURANCE DEPARTMENT; AMOUNT OF INDEMNITY.] Any person who has made application for hail insurance coverage of either five dollars or eight dollars per acre with the state hail insurance department, may make application for additional coverage as herein provided. Such additional coverage shall be for five dollars or ten dollars per acre, as the application for such insurance may specify. Such application shall be made in duplicate at the office of the County Auditor in the county where the land described in the application is located, and

shall be made on forms to be furnished by the state hail insurance department.

Such application shall refer to the original application or applications already applied for, and contain a legal description of the land, the kind of crops and acreage of the same on which additional insurance is desired; in no event shall such additional insurance become effective before the application is on file in the state hail insurance department in Bismarck. No indemnity shall be allowed for any loss or damage to such crops after the same is cut or on any abandoned crop. The county auditor shall be paid the sum of one cent per acre on all applications for such additional insurance approved by the state hail insurance department for his services in writing the applications as herein provided.

§ 2. RATE OF PREMIUM; PAYMENT; REFUND; PRORATING PAYMENT OF LOSSES WHERE LOSSES EXCEED TOTAL PAID IN WITH APPLICATIONS FOR SUCH ADDITIONAL INSURANCE.] All applications for additional insurance provided for herein must be accompanied by a cash deposit of eight percent of the risk applied for in the eastern district and a cash deposit of fifteen percent of the risk applied for in the western district as such districts are hereinafter provided for. After the close of the hail adjusting season in each year and after the premium rates for each of the two districts shall have been determined, which rates shall be determined by the total hail losses suffered by holders of such additional insurance, herein provided for, in each of such districts, plus the expense of administering such additional insurance in each district, the department shall refund any excessive premium deposit made at the time of the application for such additional insurance. If, however, the total amount necessary for indemnity tax for such additional insurance for any year exceeds eight percent of the risk carried by the department for such year in the eastern district and/or exceeds fifteen percent of the risk carried in the western district, the commissioner of insurance shall prorate the payment of losses in each district by applying the total amount paid by the applicants for such additional insurance in each district, as provided for herein, in full and complete payment of the approved claims for losses in each district, after deducting the expenses incurred by the department in administering such additional insurance in such district.

§ 3. DISTRICTS FOR SUCH ADDITIONAL COVERAGE.] For the purpose of levying a premium to meet losses on such additional coverage as herein provided for, the state shall be divided into two districts, designated as the eastern district and the western district. The following counties shall comprise

the eastern district: Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McIntosh, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh and Wells.

The following counties shall comprise the western district: Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Renville, Sheridan, Sioux, Slope, Stark, Ward and Williams.

§ 4. LAWS, RULES AND REGULATIONS.] All laws, rules and regulations now in force and effect for state hail insurance or as the same may hereinafter be amended, modified, changed or adopted, shall apply to the applications for state hail insurance coverage and the adjustment of losses under this Act and accruing under the policies for additional state hail insurance provided for herein, except as herein provided.

§ 5. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 223

S. B. No. 47

(Brant for Legislative Research Committee at
request of Insurance Department)

ADJUSTMENT STATE HAIL INSURANCE CLAIMS

AN ACT

To amend and reenact Section 26-2245 of the North Dakota Revised Code of 1943, relating to the adjustment of state hail insurance claims and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 26-2245 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2245. ADJUSTMENT OF CLAIMS: REINSPECTION WHERE CLAIMANT DISSATISFIED.] In making adjustments of claims the adjuster shall inspect the crops on which damage is claimed, and he may administer oaths and call witnesses to

testify as to the condition of the crop before and after the loss. He shall establish the fact that hail fell from evidence other than that found in the field examining witnesses living near the land on which loss is claimed. Whenever possible, the adjuster shall secure the written concurrence of the claimant, or his legal representative, in the adjustment of the claim, and if such concurrence is obtained, he shall forward it to the commissioner of insurance immediately. If the claimant does not concur in the findings and award of the adjuster, the adjuster shall notify the commissioner of insurance immediately, and upon the request of the claimant duly made within three days thereafter, upon blanks furnished by the department for that purpose, or by notice in writing to the Commissioner of Insurance, the state hail insurance department, through its authorized deputy inspector, shall reinspect the crops claimed to have been damaged.

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

Approved February 27, 1947.

CHAPTER 224

S. B. No. 25

(Brant for Legislative Research Committee at
the request of State Insurance Department)

LEVY AND COLLECTION OF STATE HAIL INDEMNITY TAX

AN ACT

To amend and reenact Section 26-2232 of the North Dakota Revised Code of 1943 relating to the levy and collection of the hail indemnity tax, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 26-2232 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2232. COMMISSIONER DETERMINES RATE OF HAIL INDEMNITY TAX LEVY; COLLECTION OF HAIL INDEMNITY TAX BY COMMISSIONER WITH DISCOUNT; CERTIFICATE TO COUNTY AUDITORS: DUTIES OF COUNTY AUDITORS AND TREASURERS.] The commissioner of insurance shall determine the rate of levy for the hail indemnity tax in each of the districts de-

scribed in Section 26-2230. When eight dollars per acre insurance is carried, the indemnity tax shall be as much greater than the tax for five dollars per acre insurance as eight is greater than five. As soon as possible after the hail indemnity tax rates have been determined, the commissioner shall send a statement by mail to each owner of real property against which the hail indemnity tax has been levied, setting forth the amount of said hail indemnity tax. The commissioner shall allow a five per cent discount to all persons who shall pay all of the hail indemnity tax levied on any tract or parcel of real property in any one year in full on or before the fifteenth day of November of the year in which such hail indemnity tax has been levied. As soon as possible after the fifteenth day of November of each year, the commissioner through the state hail insurance department, shall file with the county auditor of each county a complete list of descriptions of lands within such county upon which the state hail insurance department has carried the protection for the then current season based on the regular applications for hail insurance on file in his office after cancellation thereof and changes therein have been considered and cash payments have been credited. Each county auditor shall enter the unpaid hail indemnity tax in the tax list for his county and spread the same upon the tax rolls thereof in separate columns showing the amount of indemnity tax charged against each description of each tract, parcel, or subdivision of land insured with the department using the list described in this section as the basis therefor. The several county auditors and county treasurers shall make proper corrections on their records and shall cause deductions of hail indemnity taxes to be made from time to time upon receipt of certification from the state hail insurance department.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1947.

CHAPTER 225**S. B. No. 48****(Brant for Legislative Research Committee
at request of Insurance Department)****REGULATING METHODS, PRACTICES AND TRANSACTIONS OF
LIFE INSURANCE COMPANIES AND AGENTS****AN ACT**

To amend and reenact Sections 26-1009, 26-1010, 26-1011, 26-1012, 26-1013, and 26-1014 of the North Dakota Revised Code of 1943, regulating the methods, practices and transactions of the insurance business to prevent discrimination, rebates and misrepresentations, and providing for the revocation or suspension of the licenses of certain insurance agents and providing penalties for the violation of any of the provisions of this Act, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 26-1009 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1009. DISCRIMINATION BY LIFE INSURANCE COMPANIES AND REBATES AND INDUCEMENTS BY AGENTS PROHIBITED.] No life insurance company or fraternal benefit society doing business in this state shall make or permit any distinction or discrimination between insureds of the same class and with equal expectation of life in the amount or payment of premiums or rate charges for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms or conditions of the contracts which it makes. No such company, and no agent or solicitor therefor, either personally or by any other person, shall:

1. Make any contract of insurance, or agreement with reference thereto, other than such as is expressed plainly in the policy issued thereon;
2. Offer, promise, allow, give, set off, or pay any rebate of the whole or any part of the premium payable on the policy or the agent's commission thereon, or any special favor or advantage in the dividends, earnings, profits, or other benefit founded, arising, accruing, or to accrue thereon or therefrom;
3. Offer, promise, allow, or give any special advantage in the date of the policy or the age at which the same is issued;

4. Offer, promise, allow, or give any paid employment or contract for services of any kind, or any other valuable inducement or consideration, whatever not specified in the policy contract of insurance;
5. Offer, promise, give, option, sell or purchase, or offer to give, sell, or purchase, as inducement to insurance or in connection therewith, any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever not specified in the policy.

This section shall not prevent the taking of a bona fide obligation, with legal interest, in payment of any premium.

§ 2. AMENDMENT.] That Section 26-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1010. INSURED PERSONS AND APPLICANTS FOR INSURANCE PROHIBITED FROM ACCEPTING REBATES.] No agent of any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization or association, however constituted or entitled, shall grant, and no insured person or party or applicant for insurance either directly or indirectly, shall receive or accept, or agree to receive or accept, any rebate of premium, or of any part thereof, or all or any part of any agent's or solicitor's commission thereon, or any favor or advantage, or any share in any benefit to accrue under any policy of insurance, or any other valuable consideration or inducement other than such as may be specified in the policy, except as provided in an applicable filing which is in effect under the provision of the laws regulating insurance rates.

§ 3. AMENDMENT.] That Section 26-1011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1011. MISREPRESENTATION OF TERMS OF POLICY AND FUTURE DIVIDENDS PROHIBITED.] No insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, however constituted or entitled, doing business in this state, and no officer, director, agent, or solicitor of such company, society or insurance organization, shall issue, circulate, or use, or cause or permit to be issued, circulated, or used, any written or oral statement or circular misrepresenting the terms of any policy issued or to be issued by such company, society, or insurance organization, or the benefits or advantages promised thereby, or make an estimate, with intent to deceive, of

the future dividends or shares of surplus payable under such policy, or use any name or title of any policy or class of policies misrepresenting the true nature thereof.

§ 4. AMENDMENT.] That Section 26-1012 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1012. MISREPRESENTATIONS TO INDUCE POLICYHOLDER TO CHANGE INSURANCE CARRIER PROHIBITED.] No agent or solicitor of any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, however constituted or entitled shall make any misrepresentations or incomplete comparison of policies, oral, written, or otherwise, to any person insured in any company, society, or insurance organization, for the purpose of inducing or tending to induce a policyholder in any company, society, or insurance organization, to lapse, forfeit, or surrender his insurance therein and to take out a policy of insurance in the same or another company insuring against similar risks.

§ 5. AMENDMENT.] That Section 26-1013 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1013. REVOCATION OR SUSPENSION OF AGENT'S LICENSE FOR MISREPRESENTATION OR DISCRIMINATION; APPEAL.] Upon satisfactory evidence of the violation of any of the provisions of this chapter relating to misrepresentation or discrimination by any agent or solicitor of any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, however constituted or entitled, the commissioner shall suspend or revoke the license of such offending solicitor or agent, and he may refuse to issue a new license to the offending agent or solicitor for a period of not to exceed one year thereafter. When a license shall be refused, suspended, or revoked, the party aggrieved may appeal to the district court of Burleigh county.

§ 6. AMENDMENT.] That Section 26-1014 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1014. PENALTY FOR VIOLATING PROVISIONS RELATING TO MISREPRESENTATION AND DISCRIMINATION.] Any officer, agent, solicitor, or representative of any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, or any other person, who shall violate any of the pro-

visions of Sections 26-1009, 26-1010, 26-1011, 26-1012, or 26-1013 shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, for each such violation. Any insurance or surety company, reciprocal, benevolent society, or any fraternal benefit society, or any other insurance organization, or association, found guilty of a violation of the provisions of Sections 26-1009 or 26-1010 by the commissioner of insurance upon a hearing, after fifteen days' notice, shall be subject to a penalty, not exceeding five hundred dollars, to be imposed by the commissioner. Upon default of the payment of such penalty, the commissioner may revoke the license of the offending company, society, or insurance organization, as the case may be. Upon a second conviction before the commissioner upon a similar hearing, the commissioner of insurance shall revoke the license to transact business in this state of the offending company, society, or insurance organization, as the case may be.

§ 7. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1947.

CHAPTER 226

S. B. No. 278—(Committee on Industry and Business)

REQUIREMENTS IN LIFE INSURANCE POLICIES ON OTHER THAN STANDARD FORMS—VALUATIONS

AN ACT

To amend and reenact Subsections 7, 8 and 9 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; and Section 26-1001, relating to valuation of policies of life insurance company generally; and repealing all Acts or parts of Acts in conflict herewith; and declaring an emergency.

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

§ 1. AMENDMENT.] Subsection 7 of Section 26-0335 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0335 7. A provision that after the policy has been in force three full years, the company at any time while the policy is in force, will advance on proper assignment of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the owner of the policy, less than the reserve at the end of the current policy year on the policy and on any dividend additions thereto, computed according to a mortality table, interest rate, and method of valuation permitted by Section 26-1001, less a sum not more than two and one-half percent of the amount insured by the policy and of any dividend additions thereto; and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; which provision may provide further that such loan may be deferred for not exceeding six months after the application thereof is made. It shall be stipulated further in the policy that failure to repay any such advance or to pay interest thereon shall not void the policy unless the total indebtedness thereon to the company shall equal or exceed such loan value at the time of such failure nor until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any. No condition other than as herein provided shall be exacted as a prerequisite to any such advance. This provision shall not be required in a policy of term insurance;

§ 2. AMENDMENT.] Subsection 8 of Section 26-0335 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0335 8. A provision which, in event of default in premium payments, after premiums shall have been paid for three years, shall secure to the owner of the policy a stipulated form of insurance, the net value of which shall be equal at least to the reserve at the date of default on the policy and on any dividend additions thereto, computed according to a mortality table, interest rate, and method of

valuation permitted by Section 26-1001, less a sum of not more than two and one-half percent of the amount insured by the policy and of any existing dividend additions thereto, and less any existing indebtedness to the company on the policy. Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from the date of default for a specified cash value at least equal to the sum which otherwise would be available for the purchase of insurance as aforesaid, and may stipulate that the company may defer payment for not more than six months after the application therefor is made. Provided, however, that if the benefits under the policy are calculated according to a more modern table than the American Experience Table of Mortality, the value of any extended term insurance, with accompanying pure endowment, if any, may be calculated according to rates of mortality not exceeding 130% of the rates according to such more modern table. This provision shall not be required in a policy providing term insurance of twenty years or less;

§ 3. AMENDMENT.] Subsection 9 of Section 26-0335 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0335 9. A table showing in figures the loan values and the options available under the policy each year upon default in premium payments, during the first twenty years or during the term of the policy, whichever is shorter;

§ 4. AMENDMENT.] Section 26-1001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1001. VALUATION OF POLICIES OF LIFE INSURANCE COMPANY GENERALLY.] As soon as practicable after the annual statements are filed, the commissioner of insurance, at the expense of the company shall ascertain the net value of every policy of life or accident insurance in force in each company writing such insurance. Such determination shall be made upon the basis of the American Experience Table of Mortality and four and one-half percent interest, or upon the Actuaries Combined Experience Table and four percent in-

terest, or upon such higher standard as the company may have adopted, in any case according to the preliminary term method of valuation described in Section 26-0333 or, at the option of the company, the so-called Commissioners reserve valuation method as to policies issued on or after the effective date of this Act. At the option of the company, the net value of such policies may be computed according to any mortality table, interest rate and method of valuation producing greater aggregate net value than those hereinabove prescribed. The commissioner, however, shall accept such valuation:

1. In the case of a domestic company, as made and filed by the company with its annual statement, upon satisfactory proof of its correctness;
2. In the case of a foreign company, as made by the proper office of the company and filed with the company's annual statement or as made by the insurance officer of the state in which the company is located, if he deems it expedient to do so.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] This Act is hereby declared to be an emergency Act and shall be in full force and effect from and after its passage and approval.

Approved March 21, 1947.

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 227

H. B. No. 129—(Graham and Brickner)

PRACTICE FOREIGN ATTORNEYS IN NORTH DAKOTA

AN ACT

Amending and reenacting Section 27-1127 of the North Dakota Revised Code of 1943 relating to the practice of foreign attorneys in this state and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 27-1127 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1127. FOREIGN ATTORNEYS MAY PRACTICE IN THIS STATE, WHEN.] Any member of the bar of another state actually engaged in any cause or matter pending in any court in this state may be permitted by such court to appear in and conduct such cause or matter while retaining his residence in another state and without having complied with the provisions of this chapter designating the persons entitled to practice law in this state; provided that such right to appear in the courts of this state shall terminate immediately whenever such person is disbarred from appearing in the courts of his own state.

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

Approved March 22, 1947.

CHAPTER 228

S. B. No. 151—(Shure, Day, Page, Brunsdale and Strelbel)

FILING FEES SUPREME, DISTRICT AND COUNTY COURTS

AN ACT

To amend and reenact Sections 27-0305, 27-0306, Subsection 1 of Section 11-1704, 11-1705 and 27-0740 and 27-0741 of the North Dakota Revised Code of 1943, relating to filing fees in the supreme, district and county courts, defining the object and purpose for which the funds are to be used by the state bar association of North Dakota; providing a savings clause and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 27-0305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0305. FEES TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPREME COURT.] The clerk of the supreme court shall charge and collect in advance a fee of fifteen dollars upon the filing in the supreme court of the record in any cause upon appeal, or upon the filing in such court of a petition in any cause seeking the exercise of the original jurisdiction thereof.

§ 2. AMENDMENT.] That Section 27-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0306. FEES TO BE DEPOSITED MONTHLY WITH STATE TREASURER AND BAR ASSOCIATION OF THE STATE OF NORTH DAKOTA.] The clerk of the supreme court shall keep an accurate account of all fees received by him and shall deposit ten dollars of such fees monthly with the state treasurer and five dollars shall be remitted by him to the secretary-treasurer of the bar association of North Dakota.

§ 3. AMENDMENT.] That Subsection 1 of Section 11-1704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. For the filing of an action, including an action transferred from another county, and for all things in connection therewith which are not hereinafter provided for, seven dollars and fifty cents;

§ 4. AMENDMENT.] That Section 11-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1705. CLERK TO KEEP FEE BOOK: MONTHLY REPORT TO COUNTY AUDITOR; PENALTY.] The clerk of the district court shall keep as a public record in his office a book to be provided by the county in which he shall enter all money received by him as fees for services rendered as such clerk. Within three days after the close of each calendar month and also at the close of his term of office, such clerk shall file with the county auditor a statement under oath showing the amount of fees which he has received as such officer since the date of his last report, and within three days thereafter he shall deposit with the county treasurer the total sum of such fees, except such fees as he is authorized expressly to retain. A clerk of court who shall neglect or omit to charge or collect the appropriate fees provided for in this chapter, or who shall fail or neglect to keep a record of the same, or to make a correct statement thereof to the county auditor, with intent to evade any provision of this chapter, shall be guilty of a misdemeanor. The county treasurer shall remit monthly from the funds so received to the secretary-treasurer of the bar association of North Dakota two dollars and fifty cents for each action filed in the district court including an action transferred from another county.

§ 5. AMENDMENT.] That Section 27-0740 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0740. FILING FEES FOR ESTATES AND GUARDIANSHIPS: AMOUNT; WHEN AND WHERE TO BE PAID.] Before a petition for letters testamentary, of administration, or of guardianship is filed in a county court of this state, the petitioner, or someone on his behalf, shall pay a filing fee of seven dollars and fifty cents into the county treasury of the county in which the court is located.

§ 6. AMENDMENT.] That Section 27-0741 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0741. RECEIPTS FOR FILING FEES FOR ESTATES AND GUARDIANSHIPS: EXECUTION; FILING; FEES TO BE REMITTED MONTHLY TO BAR ASSOCIATION OF NORTH DAKOTA.] When a filing fee for an estate or for a guardianship is paid to the treasurer of the proper county, he shall execute therefor duplicate receipts one of which shall be filed with the county auditor and one with the judge of the county court. The county treasurer, from the funds so received, shall remit monthly to the secretary-treasurer of the bar association of North Dakota, two dollars and fifty cents of the filing fee for each estate and guardianship.

§ 7. USE OF FUNDS.] All funds received by the state bar association of North Dakota as herein provided shall be used for legal research and education, and supervision and improvement of the judicial system of the state of North Dakota.

§ 8. SAVINGS CLAUSE.] If any provision of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

§ 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 7, 1947.

CHAPTER 229

S. B. No. 253—(Judiciary Committee)

POWERS SUPREME COURT TO FIX TERMS OF DISTRICT COURTS

AN ACT

Empowering the Supreme Court of North Dakota to fix the terms of the District Courts of North Dakota, and repealing Sections 27-0509, 27-0510, 27-0511, 27-0512, 27-0513 and 27-0514 of the North Dakota Revised Code of 1943.

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

§ 1. That the Supreme Court of North Dakota is hereby empowered to fix the terms of all of the District Courts of the State of North Dakota, and to promulgate rules and regulations in respect thereto.

§ 2. REPEAL.] That Sections 27-0509, 27-0510, 27-0511, 27-0512, 27-0513 and 27-0514 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 21, 1947.

CHAPTER 230

H. B. No. 92

(Benno, Baker, Severson, Arndt, Ekren, Larson, Westby,
Gackle of LaMoure, Wahl, Drawz, Hofstrand and Holand)

SALARIES JUDGES COUNTY COURTS INCREASED JURISDICTION—
APPOINTMENT AND SALARY CLERKS COUNTY COURTS

AN ACT

To amend and reenact Sections 27-0808 and 27-0812 of the North Dakota Revised Code of 1943; relating to the salaries of judges of county courts of increased jurisdiction and the appointment and salary of clerks of county courts in certain counties and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 27-0808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0808. SALARIES OF JUDGES OF COUNTY COURTS OF INCREASED JURISDICTION: AMOUNT; PAYMENT.] A county judge of a county court of this state having increased jurisdiction, for all services rendered in any capacity, 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, but in no case shall the total salary of such judge exceed the sum of three thousand two hundred dollars, except as otherwise provided by Section 11-1010. Such salary shall be payable by the county in equal monthly installments. In computing the salaries of such judges, the population of the respective counties shall be determined in the manner provided in Section 11-1010.

§ 2. AMENDMENT.] That Section 27-0812 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0812. COUNTY JUDGE MAY APPOINT CLERK OF COUNTY COURT IN CERTAIN COUNTIES.] In a county having a population of twenty-five thousand inhabitants or more, and having a county court with increased jurisdiction, the clerk of such county court, if one is appointed by the judge thereof, shall be the clerk of such court for all purposes. In such case, the clerk shall receive, as full compensation for his services, a salary as follows:

1. In a county having a population less than twenty-

eight thousand inhabitants, fifteen hundred dollars per year; and

2. In a county having a population of more than twenty-eight thousand inhabitants, eighteen hundred dollars per year.

Such salary shall be paid monthly by the county in the same manner as the salaries of other county officers are paid.

§ 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 13, 1947.

CHAPTER 231

S. B. No. 10

(Brant for Legislative Research Committee at the request of Office of State Examiner)

SALARIES AND EXPENSES COURT REPORTERS

AN ACT

To amend and reenact Section 27-0602 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 216 of the Session Laws of North Dakota for the year 1945; providing for the salary and expenses of court reporters.

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

§ 1. AMENDMENT.] That Section 27-0602 of the North Dakota Revised Code of 1943, as amended and reenacted by Chapter 216 of the Session Laws of North Dakota for the year 1945, 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 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 five dollars per day and his 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 February 27, 1947.

CHAPTER 232

S. B. No. 188—(Judiciary Committee)

SALARIES AND EXPENSES DISTRICT JUDGES

AN ACT

To amend and reenact Section 27-0503 of the North Dakota Revised Code of 1943, relating to the salaries and expenses of district judges.

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

§ 1. AMENDMENT.] That Section 27-0503 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

27-0503. SALARIES AND EXPENSES OF DISTRICT JUDGES.] Each district judge of this state shall receive an annual salary of five thousand dollars and his actual traveling expenses, which shall include subsistence while holding court inside his

own district but outside the county in which he resides. Such salary and expenses shall be payable monthly in the manner provided by law.

Approved March 7, 1947.

CHAPTER 233

S. B. No. 208—(Morgan, Strelbel, Conrad, Nelson of McKenzie and Brant)

SALARY CLERK SUPREME COURT

AN ACT

To amend and reenact Section 27-0303 of the North Dakota Revised Code of 1943, as amended by Section 12, Chapter 264, Session Laws 1945, relating to the salary of the clerk of the supreme court.

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

§ 1. AMENDMENT.] That Section 27-0303 of the North Dakota Revised Code of 1943, as amended by Section 12 of Chapter 264, Session Laws 1945, 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, but in no event shall his salary exceed the sum of thirty-six hundred dollars per year.

Approved March 7, 1947.

CHAPTER 234

S. B. No. 187—(Judiciary Committee)

SALARIES JUDGES SUPREME COURT**AN ACT**

To amend and reenact Section 27-0202 of the North Dakota Revised Code of 1943, as amended by Chapter 33 of the Special Session Laws of North Dakota for 1944, relating to the salaries of Judges of the Supreme Court.

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

§ 1. AMENDMENT.] That Section 27-0202 of the North Dakota Revised Code of 1943, as amended by Chapter 33 of the Special Session Laws of North Dakota for 1944, be amended and reenacted to read as follows:

27-0202. SALARIES OF JUDGES OF SUPREME COURT.] Each Judge of the Supreme Court shall receive an annual salary of six thousand five hundred dollars.

Approved March 7, 1947.

JUDICIAL PROCEDURE, CIVIL**CHAPTER 235**

S. B. No. 260—(Morgan and Day by request)

PURCHASE CERTAIN OFFICIAL N. D. SUPREME COURT REPORTS AND PUBLISHING RIGHTS, ETC.**AN ACT**

To authorize the Secretary of State to purchase from The Lawyers Cooperative Publishing Company of Rochester, New York, certain official North Dakota Supreme Court Reports and rights of publication of such Reports, granting the Secretary of State the right to terminate all prior contracts for the publication thereof, providing for the resale of the same, and making an appropriation therefor.

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

§ 1. That the Secretary of State is authorized and directed to purchase from The Lawyers Cooperative Publishing Company of Rochester, New York, in behalf of the State of

North Dakota, the following property: North Dakota State Reports, consisting of 5259 new bound reports from Volumes 1 to 73, inclusive, and 140 second-hand reports; and all publication rights for said State Reports. The Secretary of State shall have authority to terminate all prior contracts made with The Lawyers Cooperative Publishing Company for the publication of said State Reports. Any State Reports acquired pursuant to the provisions hereof, may be resold at any time by the Secretary of State at a price to be fixed by him, which shall not be less than the cost of acquisition.

§ 2. There is hereby appropriated from any moneys in the State Treasury, not otherwise appropriated, the sum of Eleven Thousand Five Hundred Dollars, or so much thereof as may be necessary, to carry out the provisions of this Act.

Approved March 21, 1947.

CHAPTER 236

S. B. No. 252—(Judiciary Committee)

RULES PERTAINING TO FORMS AND CONTENTS OF BRIEFS IN SUPREME COURT PROCEEDINGS

AN ACT

Empowering the Supreme Court of North Dakota to promulgate rules pertaining to the form and contents of briefs in proceedings in the Supreme Court, and repealing Sections 28-2734, 28-2735, 28-2736, 28-2737, 28-2738, 28-2739 and 28-2740 of the North Dakota Revised Code of 1943.

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

§ 1. That the Supreme Court of North Dakota is hereby empowered to promulgate rules pertaining to the forms and contents of briefs in cases and proceedings in the Supreme Court.

§ 2. REPEAL.] That Sections 28-2734, 28-2735, 28-2736, 28-2737, 28-2738, 28-2739 and 28-2740 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 21, 1947.

CHAPTER 237**H. B. No. 237—(Committee on Judiciary)**

**WHEN SERVICE BY PUBLICATION OR OUTSIDE STATE COMPLETE
AN ACT**

Amending and reenacting Section 28-0626 of the North Dakota Revised Code of 1943 relating to when service is complete in cases of service of the summons by publication or by personal service of the summons and complaint upon the defendant out of the state, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 28-0626 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0626. WHEN SERVICE BY PUBLICATION OR OUTSIDE STATE COMPLETE.] Service by publication is complete upon the expiration of fifteen days after the first publication of the summons, or in case of personal service of the summons and complaint upon the defendant out of the state, upon the expiration of fifteen days after the date of such service.

§ 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, 1947.

CHAPTER 238**H. B. No. 238—(Committee on Judiciary)**

**SUMMONS BY PUBLICATION IN CIVIL ACTIONS—
NUMBER OF PUBLICATIONS****AN ACT**

Amending and reenacting Section 28-0622 of the North Dakota Revised Code of 1943 relating to the number of publications of the summons in the case of service of the summons by publication in civil actions, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 28-0622 of the North Dakota Revised Code of 1943 is hereby amended and reenacted

to read as follows:

28-0622. NUMBER OF PUBLICATIONS.] Service of the summons by publication may be made by publishing the same three times, once in each week for three successive weeks, in a newspaper published in the county in which the action is pending, if a newspaper is published in such county, and if no newspaper is published in such county then in a newspaper published in an adjoining county and having a general circulation in said county.

§ 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, 1947.

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 239

S. B. No. 215—(Judiciary Committee)

STATUS, COMPROMISE, VALIDATION, RENEWAL OF JUDGMENTS FOR FINES AND COSTS IN CRIMINAL CASES

AN ACT

Establishing the status of judgments for fines and costs in criminal cases, providing for renewing the same, authorizing county boards to compromise and satisfy the same, validating compromises and satisfactions heretofore made, and declaring an emergency.

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

§ 1. STATUS.] Judgments for fines and costs in criminal cases shall have the same status as judgments for money in civil cases and be subject to the same statutes of limitations, shall impose the same lien upon real property, when certified and filed in the district court as provided in civil cases and executions thereon shall issue in the same manner.

§ 2. AUTHORITY TO COMPROMISE.] The board of county commissioners shall have authority to compromise and settle any judgment for fines or costs after a lapse of two years from

the filing thereof if in the opinion of said board said judgment cannot be collected in full. Upon receipt of a certified copy of the board's action, the state's attorney of said county shall in accordance therewith make and file a partial or total satisfaction of said judgment as attorney for the county.

§ 3. VALIDATION.] All actions of boards of county commissioners in compromising and settling judgments for fines and costs prior to the effective date of this Act are hereby declared to be legal and binding.

§ 4. RENEWAL.] Judgments for fines and costs docketed within less than ten years prior to the effective date of this Act and exceeding one hundred dollars in amount may be renewed for an additional period of ten years by the state's attorney in any county in which said judgment is docketed by signing an affidavit of renewal on behalf of the state and filing the same in the same manner as provided for renewal of civil judgments in Section 28-2022 of the North Dakota Revised Code of 1943.

§ 5. 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, 1947.

JUDICIAL PROCEDURE, PROBATE

CHAPTER 240

H. B. No. 212—(Ohnstad and Brickner)

DISTRIBUTION OF ESTATE

AN ACT

To amend and reenact Section 30-2105 of the North Dakota Revised Code of 1943 relating to petition for distribution in the probate of estates, the filing of said petition, notice on said petition, waivers of appeal from the order allowing the final account, the filing of said waivers, the time of entry and the entry of the final decree of distribution, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 30-2105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2105. COURT DISTRIBUTES ESTATE.] If a petition for distribution has been made at the time of filing the final account, the court, upon expiration of the time for appeal from the decree allowing and confirming the final account or upon all persons interested in said estate filing a waiver of their right to appeal from the order allowing the final account, shall enter a final decree of distribution without further notice. In the event that a petition for distribution was not filed with the final account, such petition may be made by the executor or administrator, or any heir, legatee or devisee, at any subsequent time, and the court thereupon, after notice, and upon the expiration of the time for appeal from the decree allowing the final account or upon all persons interested in said estate filing a waiver of their right to appeal from the order allowing the final account, must proceed to distribute the residue of the estate. The waiver provided for in this section must be signed by the person executing the same in the presence of two witnesses who must sign the same as witnesses thereto or he must acknowledge the execution of the same before some officer qualified to take acknowledgments.

§ 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 15, 1947.

CHAPTER 241

H. B. No. 161—(Ohnstad and Brickner)

NOTICE TO CREDITORS IN PROBATE OF ESTATES

AN ACT

To amend and reenact Section 30-1802 of the North Dakota Revised Code of 1943 relating to publication of notice to creditors in the probate of estates, requiring filing of claims, specifying content of notices, fixing the time and place for filing of claims, requiring publication of notice and fixing times of publication, declaring that such publication shall be deemed complete service upon all parties interested in the estate, and providing when such notice need not be published anew, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 30-1802 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

30-1802. NOTICE TO CREDITORS: PUBLICATION; CONTENTS.] Within fifteen days after making an order for notice to creditors as is provided in section 30-1801, the executor or administrator must cause to be published in the newspaper designated in such order a notice to the creditors of the decedent, requiring all persons having claims against the estate to exhibit them, with the necessary vouchers, to the county court. Such notice also shall specify the time fixed by the court for hearing and adjusting such claims and shall require all persons interested in the estate to show cause why the claims should not be allowed. The time specified in the notice for filing claims shall be three months from the first publication thereof. Such notice must be published once a week for three successive weeks, and such publication shall be deemed complete service upon all parties interested in the estate. In case of the death, resignation, or removal of the executor or administrator before the time for filing claims expires, such notice need not be published anew.

§ 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 15, 1947.

LABOR AND EMPLOYMENT

CHAPTER 242

H. B. No. 160—(Bagge, Wolf, Brady, Johnson of Cass & Luick)

REGULATING LABOR REGULATIONS, UNIONS OR OTHER ASSOCIATIONS, STRIKES, ETC.

AN ACT

To declare the public policy of the State of North Dakota relating to the rights of workers to associate with their fellows, to organize and to designate representatives to act as bargaining agents to negotiate as to rates of pay, hours and working conditions, and the right of workers to decline to associate with their fellows and their right to be free to obtain employment wherever possible without interference; to require labor unions to file certain statements and reports with the Secretary of State as a pre-requisite to their right to operate as labor unions, to act as bargaining agents for workers and to negotiate and execute contracts relating to wages, hours and working conditions of workers and requiring labor unions to file a statement of their name, by which name they may proceed and be proceeded against in the courts of this state; to make null and void contracts executed by labor unions without having complied with the provisions of this act; to provide for the fair and impartial conduct of elections by employees on the questions of appointing a bargaining agent and of calling a strike; to permit peaceful picketing of employers and making picketing unlawful unless a majority of the employees vote to strike; to make boycotting, secondary boycotting and sympathy strikes illegal; to provide for issuance of injunctive relief by the courts; and repealing all acts or parts of acts in conflict herewith.

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

§ 1. DECLARATION OF PUBLIC POLICY.] The public policy of this state is declared to be that a worker shall be free to decline to associate with his fellows and shall be free to obtain employment wherever possible without interference or being hindered in any way, but that he shall also have the right to association and organization with his fellow employees and designation of representatives of his own choosing. 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 elections by secret ballot held to determine the question of who shall be the bargaining representative of a worker or workers or whether a worker or workers shall

strike against an employer shall be free and impartial without being influenced by either an employer or worker or any third parties. That secondary boycotts and sympathy strikes are hereby declared to be against public interest and unlawful.

§ 2.] No person or association of persons shall operate or maintain a labor union or any other association acting or purporting to act as a bargaining agent for workers unless and until there has been filed with the Secretary of State a statement in writing signed and verified under oath by the president or secretary of such labor union or association, setting forth the names and addresses of all of the officers and their official names of such union, a general statement of the aims and objects of said union, the scale of dues, initiation fees, fines and assessments to be charged to the members and the salaries to be paid to the officers, and setting forth the full and actual name of the labor union, under which it shall operate and be known.

§ 3.] The president or secretary of such labor union shall thereafter make an annual written report verified under oath on or before the anniversary date of such original report as required by Section 2 to the Secretary of State, in such form as he may prescribe, setting forth the amount of money collected for initiation fees, dues, fines, assessments, and names of employees and setting forth the amount paid in salaries to officers, listing their names and addresses and the amount paid to each of such officers.

§ 4.] The Secretary of State shall keep a record of all statements and reports submitted to him under the provisions of this act, all of which shall be open to public inspection.

§ 5.] That after a labor union has complied with all the provisions of this act, it shall then and then only have the right to act as a bargaining agent for workers, if lawfully selected and appointed, and all such bargaining by the labor union shall be in the name of the union as disclosed in the statement filed with the Secretary of State as provided in Sections 2 and 3.

§ 6.] That any contract entered into between the employer and a labor union shall be executed on behalf of the employer in his or its true name and signed by the employer, or in case of a corporation by the proper officers authorized by law and the by-laws of such corporation to execute valid and binding contracts on behalf of the corporation, and any such contract shall be executed on behalf of the labor union in the name of the labor union as disclosed in the statement in writing filed with the Secretary of State as hereinbefore provided and signed by the president or secretary of such labor

union, authorized by the By-Laws of such union.

§ 7.] That any such contract made and executed as hereinafore provided shall be equally binding as to all its terms and conditions against both the employer and the labor union who executed it.

§ 8.] That said contract may be enforced by either party by an action to be commenced in a district court of the State of North Dakota and that in such an action a labor union may proceed or be proceeded against in the name disclosed in the statement in writing filed in the office of the Secretary of State as hereinbefore provided and all orders and decrees issued by such court in favor of or against such labor union or employer shall be binding upon both such employer and such employees and such labor union.

§ 9.] That in the event any employee or employees shall desire to appoint a bargaining agent or strike against an employer, prior written notice thereof shall be given to the employer and it shall be the duty of the employer within two (2) days thereafter to designate a representative of the employer to act in the conduct of an impartial and secret ballot or election to determine such bargaining agent, or whether a strike shall be had and the employee or employees, either themselves, or through their collective bargaining agent shall likewise within two (2) days after such notice designate such a representative and the representative of the employer and the representative of the employees shall thereupon select a third individual, and the three individuals so selected shall constitute an election board to conduct such a vote. In the event the third member of such board cannot be agreed upon, then the District Court of the county where the dispute arose shall appoint the third member upon petition by either of such first two appointed members to such board. Such election board so appointed shall thereupon designate a reasonable and suitable place and time within ten (10) days after the appointment of such board when such vote shall be held, which place shall not be upon the premises belonging to or under the control of either the employer or employees, bargaining agent or a labor union, and at such time and place as the board shall designate, shall proceed to conduct an impartial secret ballot in which all employees of the particular separate establishment of the employer involved and then employed shall only have the right to cast a vote on the question of appointing a bargaining agent or whether a strike against that employer as to such particular, separate establishment should be called. A majority vote of the members of such board shall govern to all actions taken by the board hereunder.

§ 10.] Within twenty-four (24) hours after the completion of the election on the question of appointing a bargaining agent or of calling a strike, such election board shall make an accurate and complete tabulation of the votes cast in such election and shall prepare in writing a certificate over the signatures of at least two (2) members of such board and deliver a copy of such a certificate to the employer and to the employees or their bargaining agent. No strike shall begin or go into effect until thirty (30) days have expired following the date of such certificate.

§ 11.] No bargaining agent can be legally appointed and no strike shall be called or go into effect unless at least fifty-one percent (51%) of the employees who cast their vote shall cast a vote at such an election in favor of such strike, or appointment of a particular bargaining agent.

§ 12.] If after an election, as hereinbefore provided, fifty-one percent (51%) or more of the employees who cast their vote as provided in this act, vote in favor of a strike and a strike is called, it shall be lawful for only an employee of the particular, separate establishment of an employer so involved to picket such particular, separate establishment in a peaceful manner subject, however, to all of the laws of the State of North Dakota preserving the public peace and the health and safety of the citizens. If, however, less than fifty-one percent (51%) of the employees who cast their vote in such election vote in favor of a strike it shall be unlawful for any person to picket such particular, separate establishment or place of business and picketing in that event is hereby declared to be unlawful and against the peace and dignity of the State of North Dakota and subject to restraint by the District Court of this state of the county where such picketing occurs as well as suits for damages therefor.

§ 13.] Boycotting, secondary boycotting and sympathy strikes are hereby declared to be against the public policy and against the peace and dignity of the State of North Dakota and shall be subject to restraint by the District Courts of the State of North Dakota as well as suits for damages therein.

§ 14.] If, after the execution of any contract or agreement as provided by this act, such labor union executing such contract shall be dissolved, re-organized or merged or in any other way associated with any other labor union or organization, or shall change its name, such contract or agreement shall nevertheless be binding as to all its terms and conditions for the time specified in such contract.

§ 15.] If any section, subsection, clause, sentence or phrase of this act is, for any reason, held to be unconstitution-

al and invalid, such decision shall not affect the validity of the remaining portions of this act and the legislature hereby declares that it would have passed this act and each section, subsection, clause, sentence or phrase thereof irrespective of whether one or more of the sections, subsections, clauses, sentences or phrases be declared unconstitutional.

§ 16.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 17.] The provisions of this Act shall not apply to employers and employees engaged in interstate commerce and subject to the provisions of federal laws relating to labor relations and disputes.

Approved March 13, 1947.

NOTE—H. B. 160 not effective until approved by referendum vote at primary election in June 1948.

CHAPTER 243

H. B. No. 151—(Fuglestad, Hofstrand, McInnes, and Stair)

RIGHT TO WORK NOT ABRIDGED ON ACCOUNT OF MEMBERSHIP OR NON-MEMBERSHIP IN LABOR ORGANIZATION

AN ACT

Providing that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization and providing that all contracts denying or abridging such right to work on account of such membership or nonmembership are invalid, void and unenforceable.

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

§ 1.] No person shall be deprived of life, liberty or property without due process of law. The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization, and all contracts in negation or abrogation of such rights are hereby declared to be invalid, void and unenforceable.

Approved March 13, 1947.

NOTE—H B.. 151 not effective until approved by referendum vote at primary election in June 1948.

LIVESTOCK

CHAPTER 244

H. B. No. 138—(Thompson, Maher, Halcrow, Power, Frank)

LICENSING OF WEIGHMEN AT PUBLIC MARKETS

AN ACT

Providing for the licensing of weighmen employed at public markets; providing for the refusal, revocation or suspension of licenses; provided that no licensed weighmen shall buy or trade at public market in which employed; and providing that title to all property sold in a public market remain with said public market until settlement has been made.

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

§ 1. LICENSING OF WEIGHMEN; FEES.] No person shall serve in the capacity of weighman at any public market without first having secured a license. Applications for such license shall be made on forms furnished by the Public Service Commission and shall be accompanied by a fee of two dollars and fifty cents and shall contain such information as may be required by the board.

§ 2. SALE OF LIVESTOCK BY WEIGHT.] All livestock sold by weight at any public market shall be sold subject to weight at the place of sale on the day sold by the auctioneer.

§ 3. LICENSES; DURATION; RENEWALS; REFUSAL; REVOCATION OR SUSPENSION.] All weighmen's licenses issued in accordance with the provisions of this Act shall be for a period of one year and shall expire on December thirty-first next following the date of issuance. All applications for the renewal of any such license shall be made in the same manner as for the original license. The Public Service Commission may refuse to grant such a license or may revoke or suspend any such license, for the violation of any of the provisions of this Act or of any of the rules and regulations adopted pursuant to the provisions of this Act. Before such suspension or revocation becomes effective the party shall be notified by the Public Service Commission of its intention to refuse, revoke, or suspend the license and such person shall be given ten days in which to request a hearing before the Public Service Commission which request shall be made in writing by registered mail. The Public Service Commission may sum-

mon witnesses and may take testimony at such hearings.

§ 4. FALSE WEIGHING.] No licensed weighman shall misweigh or falsely report any weights or otherwise fraudulently manipulate the scales to produce a weight other than the true and actual weight of any livestock, poultry, or other agricultural and horticultural products consigned to and sold at any public market.

§ 5.] It is further provided that before any person, association, co-partnership, firm, or corporation may become a purchaser at any sale conducted by a sales ring established under the laws of this state, such prospective purchaser must file satisfactory evidence with the operator of such sales ring that any check, draft, or bill of exchange issued and delivered to such sales ring in payment of any livestock purchased shall be honored by the drawee bank at the time of presentation for payment, and until such check, draft, or other bill of exchange has been duly honored and paid, the title to the livestock so purchased shall be in the sales ring making such sale.

Approved March 15, 1947.

MILITARY

CHAPTER 245

H. B. No. 97

(Allen, Anderson, Arndt, Brickner, Hanson, Fitch, Johnson, Locken, Rudolf, Schuler, Severson, Starck, Wadeson, Wambheim and Welk)

AID TO VETERANS BY VETERANS AID COMMISSION

AN ACT

To amend and reenact Section 37-1406 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 4 of Chapter 242 of the Session Laws of North Dakota for the year 1945, relating to aid to veterans.

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

§ 1. AMENDMENT.] That Section 37-1406 of the North Dakota Revised Code of 1943 as amended and reenacted by

Section 4 of Chapter 242 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

37-1406. COMMISSION MAY PROVIDE AID.] If the veterans' aid commission is satisfied that such applicant has served as a member of the armed forces of the United States for an aggregate time of not less than thirty days while the United States was at war, that he is a citizen and resident of the state of North Dakota, and that he has not been dishonorably discharged, the veterans' aid commission may loan to such applicant, or a guardian of such applicant, a sum from the veterans' aid fund not to exceed the sum of five hundred dollars.

Approved March 15, 1947.

CHAPTER 246

S. B. No. 152—(Committee on Veterans and Military Affairs)

APPOINTMENT COUNTY VETERANS' SERVICE OFFICER

AN ACT

To amend and reenact Section 1 of Chapter 30 of the Session Laws of North Dakota of the Special Session of 1944 as amended and reenacted by Section 2 of Chapter 236 of the Session Laws of North Dakota for the year 1945, relating to the appointment of county veterans' service officer by board of county commissioners; appointment made with approval of Commissioner of Veterans' Affairs defining the duties of county veterans' service officer and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 30 of the Session Laws of North Dakota of the Special Session of 1944 as amended and reenacted by Section 2 of Chapter 236 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

2. The board of county commissioners of each county of the state of North Dakota may appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer, such appointment shall be made with the advice of the Commissioner of Veterans' Affairs. It shall be the duty of such county veterans' service officer to ac-

quaint himself with the laws, both state and federal, enacted for the benefit of returning servicemen and to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they may have. It also shall be the duty of the county veterans' service officer, under the supervision of the State Commissioner of Veterans' Affairs, to actively cooperate with and to co-ordinate the activities of the state and federal agencies within the county which he serves to facilitate their operation and insure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and women in civilian pursuits.

§ 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, 1947.

CHAPTER 247

S. B. No. 6

(Senator Brant for Legislative Research Committee at the request of Office of State Examiner)

SALARY AND EXPENSES COUNTY VETERANS' SERVICE OFFICER

AN ACT

To amend and reenact Section 3 of Chapter 236 of the Session Laws of North Dakota for the year 1945, providing for salary and expenses of the county veterans' service officer.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 236 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

§ 3.] 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 of a sum not to exceed five dollars per day when absent from his established office upon official business, 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 February 10, 1947.

CHAPTER 248

S. B. No. 154—(Committee on Veterans and Military Affairs)

RECORDING ETC. DISCHARGE PAPERS OF MEMBERS OF ARMED SERVICES WITHOUT CHARGE

AN ACT

To amend and reenact Section 37-0134 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 31 of the Session Laws of North Dakota of the Special Session of 1944, relating to the recording of discharge papers of members of the armed forces without fee and providing that a veteran may secure certified copy of discharge without charge and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 37-0134 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 31 of the Session Laws of North Dakota of the Special Session of 1944 is hereby amended and reenacted to read as follows:

1. It is hereby provided that those discharged from the national guard, the army, the marine corps and other branches of the armed forces of the United States, may record their discharges from such armed forces, certificate issued in lieu thereof, duly authenticated and certified copies thereof, or duly certified records of their service and discharge from such armed forces in the office of the clerk of the district court of the county in which they reside, without payment of any fee whatsoever, and such recordings shall have the same force and effect as the recording of other instruments. One certified

copy of such discharge shall be furnished, without payment of any fee whatsoever, upon request, to the veteran or to his next of kin.

§ 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 20, 1947.

CHAPTER 249

H. B. No. 293—(Brickner, Severson)

VETERANS EMPLOYMENT PREFERENCE

AN ACT

To amend and reenact sections 1 and 3 of chapter 238 of the Session Laws of North Dakota for 1945 relating to employment preference for veterans in public departments, upon public works, and in public offices.

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

§ 1. AMENDMENT.] That section 1 of chapter 238 of the Session Laws of North Dakota for the year 1945 is hereby amended to read as follows:

§ 1. APPOINTMENT PREFERENCE — VETERANS, THEIR WIVES AND WIDOWS.] In each public department and upon all public works and in public offices of the state of North Dakota and of the counties, cities and villages therein, honorably discharged members of the armed forces who have defended this nation in times of war, or their widows, or their wives when the veteran is wholly incapacitated by reason of disabilities not resulting from his own vicious habits, shall be preferred for appointment, and age, loss of limb or other physical impairment which does not in fact incapacitate the persons from performing the duties of the position sought, shall not disqualify them, if they possess the requisite qualifications and business capacity to discharge the duties of the positions involved. Provided further, that to be eligible under the provisions of this Act the person applying shall be a citizen of the United States and shall have been a resident of the State of North Dakota at the time of his or her induction or enlistment in the armed forces and where a county, city, or village appointment is involved the applicant shall have been

a resident of such political subdivision for at least six months immediately preceding the appointment sought.

§ 2. AMENDMENT.] That Section 3 of Chapter 238 of the Session Laws of 1945 be and the same is hereby amended so as to read as follows:

§ 3. EXCEPTIONS.] Excepted from the provisions of this Act are the personal staff of the governor and the first assistant or deputy of an elected official plus the personal secretary of each elected official. There shall also be excepted from the operation of this Act any temporary investigating committee or group appointed by the governor or the legislative assembly. This Act shall not interfere with the regular operation of the merit system, except that upon proof submitted showing honorable service during a war a veteran shall have five per cent added to the rating which he obtains on examination and a disabled veteran with a service connected disability shall have ten per cent added to his rating so obtained.

Approved March 15, 1947.

CHAPTER 250

H. B. No. 300—(Committee on Veterans & Military Affairs)

REGISTER AND RECORDS OF GRAVES OF N. D. MEMBERS OF ALL WORLD WAR II SERVICE BRANCHES BURIED IN NORTH DAKOTA

AN ACT

Relating to registering and compiling records of the graves of deceased soldiers, sailors, and marines, including Wacs, Waves, Spars, and members of nurses corps of all arms and services, who served in World War II and are buried in this state; authorizing the adjutant general to use any unexpended funds remaining in the fund for maintenance of the North Dakota State Guard.

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

§ 1.] It shall be the duty of the adjutant general of the state of North Dakota, to register and compile records of the graves of deceased soldiers, sailors, and marines, including Wacs, Waves, Spars, and members of nurses corps of all arms and services, who served in World War II in accordance with sections 37-1601 to 37-1606 inclusive, of the North Dakota Revised Code of 1943. For the purpose of carrying out

the provisions of this Act the adjutant general is hereby authorized to expend such sum as may be necessary out of any balance of unexpended funds appropriated and existing under the provisions of chapter 60, subdivision 23, Session Laws of 1945, for the maintenance of the North Dakota State Guard.

Approved March 15, 1947.

CHAPTER 251

S. B. No. 155—(Committee on Veterans and Military Affairs) REMOVAL OF MINORITY DISABILITY OF VETERANS AND THEIR MINOR SPOUSES

AN ACT

Providing for the removal of the disability of the minority of veterans and their minor spouses for the purpose of obtaining benefits under the Servicemen's Readjustment Act and declaring an emergency.

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

§ 1.] The disability of minority of any person otherwise eligible for guaranty or insurance of a loan pursuant to the Servicemen's Readjustment Act of 1944 as amended—P. L. 346, 79th Cong., as amended,—and of the minor spouse of any eligible veteran irrespective of his or her age, in connection with any transaction entered into pursuant to said Act as amended, is hereby removed, for all purposes in connection with such transaction including, but not limited to, incurring of indebtedness or obligations and acquiring, encumbering, selling, releasing, or conveying property, or any interest therein, and litigating or settling controversies arising therefrom, if all of part of any obligations incident to such transaction be guaranteed or insured by the administrator of veteran's affairs pursuant to such Act. This Act shall not be construed to impose any other or greater right or liabilities than would exist if such person and such spouse were under no such disability.

§ 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 20, 1947.

CHAPTER 252

H. B. No. 303—(Committee on Veterans and Military Affairs)

COMPOSITION N. D. NATIONAL GUARD

AN ACT

Relating to the composition of the national guard and prescribing that the ages for original enlistments and reenlistments conform to the National Defense Act; repealing sections 37-0202 and 37-0701 of the North Dakota Revised Code of 1943 and 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:

§ 1. NORTH DAKOTA NATIONAL GUARD COMPOSITION OF.] The North Dakota National Guard shall consist of the regularly enlisted and enrolled male citizens, within the age limits prescribed by the National Defense Act of 1920, as amended; organized, armed, and equipped as provided in this title, and of commissioned officers within the ages conforming to the rules and regulations promulgated by the War Department as conditions precedent to Federal recognition. Such national guard shall be composed of such units as the War Department of the United States may allocate and designate, with the approval of the governor of this state.

§ 2. ORIGINAL ENLISTMENTS IN THE NATIONAL GUARD; QUALIFICATIONS.] Any male person who is a citizen of the United States, or who has declared his intention to become a citizen, if within the ages set forth in the National Defense Act of 1920, as amended, able-bodied, free from disease, of good character, and of temperate habits, may be originally enlisted in the national guard of this state under the restrictions contained in this title for a term of not less than three years and as provided by national guard regulations promulgated by the Secretary of War.

§ 3. REPEAL.] Sections 37-0202 and 37-0701 of the North Dakota Revised Code of 1943 and all acts or parts of acts in conflict with this act are hereby repealed.

§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 15, 1947.

MINING AND GAS AND OIL PRODUCTS

CHAPTER 253

H. B. No. 163—(Bubel)

PENALTY EMPLOYMENT MINORS UNDER 18 YEARS IN MINING INDUSTRY

AN ACT

To amend and reenact Section 38-0105 of the North Dakota Revised Code of 1943, relating to the employment of minors in mining industry.

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

§ 1. AMENDMENT.] That Section 38-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0105. PENALTY FOR EMPLOYING MINORS UNDER EIGHTEEN YEARS OF AGE IN MINING INDUSTRY.] Any person, company, firm, association, or corporation engaged in the mining industry in this state, and any agent, officer, foreman, or other employee thereof who has the control or management of its employees, knowingly employing, or permitting the employment of, any minor under the age of eighteen years to perform any service or labor in any underground workings or mine shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Approved March 3, 1947.

CHAPTER 254

H. B. No. 164—(Bubel)

SAFETY RULES AND ENFORCEMENT BY STATE COAL MINE INSPECTOR**AN ACT**

To amend and reenact Section 38-0601 of the North Dakota Revised Code of 1943, relating to promulgation and enforcement of safety rules and regulations by State Coal Mine Inspector.

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

§ 1. AMENDMENT.] That Section 38-0601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0601. SAFETY RULES AND REGULATIONS MAY BE PROMULGATED AND ENFORCED BY STATE COAL MINE INSPECTOR.] The inspector may promulgate, issue, and enforce all necessary and proper rules and safety regulations relative to any operation over which he has jurisdiction. He may prescribe safety equipment to be worn or used by all persons working in or about any such operations. He shall issue an order making it unlawful to operate or maintain internal combustion engines in any underground mine, shaft or tunnel within the State of North Dakota.

Approved March 3, 1947.

CHAPTER 255

S. B. No. 259—(Leno and Raschko)

SALARY STATE COAL MINE INSPECTOR**AN ACT**

To amend and reenact Section 38-0304, of the North Dakota Revised Code of 1943, as amended and reenacted by Section 15 of Chapter 264 of the Session Laws of North Dakota for the year 1945, relating to salary of the state coal mine inspector.

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

§ 1. AMENDMENT.] That Section 38-0304, of the North Dakota Revised Code of 1943, as amended and re-

enacted by Section 15 of Chapter 264 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

38-0304. SALARY OF INSPECTOR.] The salary of the coal mine inspector shall not exceed three thousand dollars per annum. 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.

Approved March 21, 1947.

MOTOR VEHICLES

CHAPTER 256

H. B. No. 334—(Smart and Saumur)

MOTOR VEHICLE ACCIDENTS AND DAMAGE CLAIMS REPORTS— FINANCIAL RESPONSIBILITY OWNERS AND OPERATORS, ETC.

AN ACT

Requiring reports of motor vehicle accidents and claims of damages arising therefrom; providing for the furnishing of financial responsibility by owners and operators of motor vehicles and prescribing the conditions therefor; providing for the suspension, revocation and reinstatement of operators' license; prescribing the powers and duties of the commissioner in respect to the enforcement and administration of this Act; fixing penalties for violations thereof; and repealing Chapter 39-14 of the North Dakota Revised Code of 1943, with certain exceptions, and all other Acts and parts of Acts in conflict herewith, and providing a savings clause.

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

§ 1. DEFINITIONS.] The following words and phrases when used in this chapter, shall, for the purpose of this

chapter, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning;

1. "Commissioner" means the state highway commissioner of the State of North Dakota acting directly or through his authorized agents;
2. "Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;
3. "License" means any license, temporary instruction permit or temporary license issued under the law of this state pertaining to the licensing of persons to operate motor vehicles;
4. "Motor Vehicle" shall include every self-propelled vehicle, including trailers and semi-trailers designed for use with such vehicles;
5. "Non-resident" means every person who is not a resident of this state;
6. "Non-resident's operating privilege" means the privilege conferred upon a non-resident by the laws of this state pertaining to the operation in this state by him of a motor vehicle, or the use of a motor vehicle owned by him;
7. "Driver" means every person who is in actual physical control of a motor vehicle whether or not licensed as a driver under the laws of this state;
8. "Owner" means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a

mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act;

9. "Proof of Financial Responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of 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, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property of others in any one accident;
10. "State" means and state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

§ 2. RULES; REVIEW.] The commissioner shall have the powers and perform the duties imposed upon him by this Chapter and may make rules and regulations necessary therefor and shall provide for hearings upon request of any person aggrieved by his final orders under this chapter. Any person aggrieved by a final order of the commissioner under this chapter may review such order by appeal; the laws of this state providing for appeals from orders of administrative agencies shall be applicable.

§ 3. ABSTRACTS; FEE; ADMISSIBLE IN EVIDENCE.] The commissioner upon request shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of one dollar shall be paid for each such abstract.

§ 4. SUSPENSION OF LICENSE FOR NEGLECT TO REPORT ACCIDENT.] The commissioner may suspend the license, or any non-resident's operating privilege, of any person who willfully fails, refuses or neglects to make report of a traffic accident as required by the laws of this state.

§ 5. 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. 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 is required for proof of financial responsibility under this chapter;
3. To such driver or owner if the liability of such driver or owner for damages resulting from such accident is, in the judgement 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.

§ 6. REQUIREMENTS AS TO SECURITY AND SUSPENSION DO NOT APPLY, WHEN.] The requirements as to security and suspension in section 5 of this Act shall not apply:

1. To the driver or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such driver or owner;
2. To the driver or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or parked and whether attended or unattended, except that the requirements of this chapter shall apply in the event the commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamp or illuminating devices when as required by the laws of this state and that any such violation contributed to the accident;
3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or parked by a person who had been operating such motor vehicle without such permission;
4. If prior to the date that the commissioner would otherwise suspend license or non-resident's operating privilege under section 5 of this Act, there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been

finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

§ 7. **RELEASE FROM SUSPENSION OR REMOVAL OF LICENSE.]** The license or non-resident's operating privilege suspended as provided in section 5 shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until:

1. Such person shall deposit or there shall be deposited on his behalf the security required under section 5 of this Act;
2. One year shall have elapsed following the date of such accident and evidence satisfactory to the commissioner has been filed with him that during such period no action for damages arising out of such accident has been instituted; or
3. Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with Section 6, Subsection 4 of this Act; provided, in the event there shall be any default in the payment of any installment under any confession of judgment, then upon notice of such default, the commissioner shall forthwith suspend the license non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license or non-resident's operating privilege of such person defaulting which shall not be restored unless and until such person deposits and thereafter maintains security as required under section 5 of this Act in such amount as the commissioner may then determine, or one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

§ 8. REQUIREMENTS OF ONE NOT LICENSED.] In case the driver or the owner of a motor vehicle involved in an accident within this state has no license, he shall not be allowed a license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license.

§ 9. COMMISSIONER MAY FIX, REDUCE, OR INCREASE REQUIREMENT.] The security required under this chapter shall be in such form and amount as the commissioner may require but in no case in excess of the limits specified in section 5 of this Act in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person in whose behalf the deposit is made and, at any time while such deposit is in the custody of the commissioner or state treasurer, the person depositing it may, in writing amend the specification of the person on whose behalf the deposit is made to include an additional person; provided, that a single deposit of security shall be applicable only on behalf of a person required to furnish security because of the same accident. The commissioner may reduce or increase the amount of security ordered in any case if, in his judgment, the amount ordered is excessive or inadequate. In case the security originally ordered has been deposited the excess deposited over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 10 of this Act.

§ 10. DEPOSIT OF SECURITY WITH STATE TREASURER; RELEASE.]

1. Security deposited in compliance with the requirements of this Act shall be placed by the commissioner in the custody of the state treasurer and shall be applied as in subsection 2 of this section only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 7, subsection 3 of this Act, and such deposit or any balance thereof shall be returned to the depositor or his personal representative, when evidence satisfactory to the commissioner has been filed with him that there has been a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged agreement, in accordance with section 6, subsection 4, or whenever, after the expiration of one year from the date of the accident, or within one

year after the date of deposit of any security under section 7, subsection 3, the commissioner shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. Upon certification by the commissioner the state treasurer shall return any security deposited with him under the provisions of this chapter to the person entitled thereto.

2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person for whom such deposit was made, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle in the accident which resulted in the requirement for the deposit of such security. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

§ 11. RECORD NOT ADMISSIBLE AS EVIDENCE.] Neither the report required, the action taken by the commissioner pursuant to this chapter, the findings, if any, of the commissioner upon which action is based, nor the security filed, nor the insurance carried or furnished as provided in this chapter shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

§ 12. NOTICE OF FAILURE TO SATISFY JUDGMENT.] When any person fails within thirty days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the commissioner immediately after the expiration of said thirty days, a certified copy of such judgment and affidavit of identification. If the judgment debtor named in any certified copy of a judgment reported to the commissioner is a non-resident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers' licenses of the state of which the judgment debtor is a resident.

§ 13. SUSPENSION OF LICENSE; TEMPORARY RELEASE.]

1. The commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license or

any non-resident's operating privilege, of any person against whom such judgment was rendered except as hereinafter otherwise provided in this section and in section 15.

2. If the judgment creditor consents in writing, in such form as the commissioner may prescribe that the judgment debtor be allowed license or non-resident's operating privilege, the same may be allowed by the commissioner, in his descretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 15, provided the judgment debtor furnishes proof of financial responsibility.
3. Any person whose license or non-resident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of this chapter may be relieved from the effect of such judgment as hereinbefore prescribed in this chapter by filing with the commissioner an affidavit stating that at the time of the accident upon which such judgment has been rendered the affiant was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance carried has not paid such judgment. Such person shall also file the original policy of insurance or a copy thereof, if available, and such other documents as the commissioner may require to show that that the loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the Commissioner is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this chapter, the commissioner shall not suspend such license or non-resident's operating privilege, or if already suspended shall reinstate them.
4. A license or non-resident's operating privilege shall remain suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided

and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 13 and 15.

5. A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter.

§ 14. SATISFACTION OF JUDGMENT.]

1. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:
2. When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or
3. When, subject to such limit of five thousand dollars because of bodily injury to or death of one person, the sum of one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
4. When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident. Payments made in settlement of any claims because of bodily injury, death or property damages arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

§ 15. INSTALLMENT PAYMENTS.]

1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.
2. The commissioner shall not suspend a license, or a non-resident's operating privilege, suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such

judgment in installments, and while the payment of any said installment is not in default.

3. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the commissioner shall forthwith suspend the license, or non-resident's operating privilege of the judgment debt or until such judgment is satisfied as provided in this chapter.

§ 16. REVOCATION OF LICENSE FOR REASONS OTHER THAN PROVISIONS OF THIS CHAPTER.]

1. Whenever the commissioner under any other law of this state, revokes the license of any person, such license shall remain revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.
2. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall be thereafter issued to such person until he shall give and thereafter maintain proof of financial responsibility.
3. Whenever the commissioner revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

§ 17. PROOF OF FINANCIAL RESPONSIBILITY.] Proof of financial responsibility when required under this chapter may be given by filing:

1. A certificate of insurance as provided in Section 18 or Section 19; or
2. A bond as provided in Section 23; or
3. A certificate of deposit of money or securities as provided in Section 24.

§ 18. PROOF BY SHOWING INSURANCE COVERAGE.]

1. Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do busi-

ness in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is an operator's policy.

2. When a certificate is filed showing that a policy or policies have been issued covering certain described motor vehicles or a limited operator's policy but not insuring such person when operating all other motor vehicles, the commissioner shall designate suitable restriction upon the driver's license of such person authorizing the operation of only such vehicles as are covered by the certificate. It shall be unlawful for such person to operate any motor vehicle not covered by such certificate. In the event a person desired to be relieved of the foregoing restriction and to be permitted to operate any motor vehicle, he may have such restriction removed upon filing a certificate showing that there has been issued to him a motor vehicle liability policy insuring him against liability arising out of the use of any motor vehicle.

§ 19. NON-RESIDENT OWNER.]

1. The non-resident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter, and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:
 - a. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;
 - b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the

laws of this state relating to the terms of motor vehicle liability policies issued herein.

2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertaking or agreements, the commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

§ 20. MOTOR VEHICLE LIABILITY POLICY.]

1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 18 or Section 19 as proof of financial responsibility, and issued, except as otherwise provided in Section 19, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.
2. Such owner's policy of liability insurance:
 - a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and
 - b. Shall insure the person named therein and any other person, as insured, using such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: 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, ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars because of injury to or destruction of property of others in any one accident.
3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle, either unlimited, or limited by excluding cer-

tain classes or types of motor vehicles, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.
5. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.
6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:
 - a. The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.
 - b. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.
 - c. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subsection 2, Subdivision 2, of this

section for the accident out of which such claim arose.

- d. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.
7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle policy" shall apply only to that part of the coverage which is required by this section.
8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.
9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.
10. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.
11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such policy.

§ 21. NOTICE OF PROPOSED CANCELLATION OF POLICY BY INSURER.] When an insurance carrier has certified a motor vehicle liability policy under Section 18 or Section 19, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

§ 22. OTHER LAWS REQUIRING INSURANCE.]

1. This chapter does not apply to or affect policies of automobile insurance against liability which may

now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

§ 23. BOND AS REQUIRED BY SECTION 1, SUBSECTION 11.]

1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate not exempt from execution of a value twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, and recorded in the office of the register of deeds of each county in which such real estate is situated, which said bond shall be conditioned for payment of the amounts specified in Section 1, Subsection 11. Such bond shall be filed with the commissioner and shall not be cancellable except after ten days' written notice to the commissioner. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist for the benefit of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such bond is recorded.
2. If such a judgment rendered against the principal on on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in his own name against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

§ 24. DEPOSIT OF CASH WITH STATE TREASURER.]

1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him eleven thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of eleven thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.
2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of damages to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

§ 25. EMPLOYMENT OF FAMILY CONNECTION IN LIEU OF PROOF OF FINANCIAL RESPONSIBILITY.] Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this section on the face of such person's license.

§ 26. RELEASE OF BOND OR DEPOSIT ON MAKING OTHER PROOF OF RESPONSIBILITY.]

1. The commissioner shall consent to the cancellation of any bond or certificate of insurance or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

§ 27 PROCEDURE OF FAILURE OF PROOF ON FILE.] When ever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the commissioner, shall for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the non-resident's operating privilege upon failure to file such other proof as required.

§ 28. CANCELLATION OF BOND OR RETURN OF DEPOSIT.]

1. The commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof or financial responsibility, or the commissioner shall waive the requirements of filing proof, in any of the following events:
 - a. At any time after five years from the date such proof was required when, during the five-year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require the revocation of the license, or non-resident's operating privilege of the person by or for whom such proof was furnished; or
 - b. The death of the person on whose behalf such proof was filed of the permanent incapacity of such person to operate a motor vehicle, or
 - c. The surrender of his license to the commissioner by the person who has given proof.

2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.
3. Whenever any person whose proof has been cancelled or returned under subdivision c of subsection 1 of this section applies for a license within a period of five years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such five-year period.

§ 29. SEIZURE OR RETURN OF DRIVER'S LICENSE.] Any person whose license is suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, is cancelled or terminated, or who neglects to furnish other proof upon request of the commissioner shall immediately return his license to the commissioner. If any person fails to return to the commissioner the license as provided herein, the commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the commissioner.

§ 30. MISDEMEANOR.]

1. It is a misdemeanor for any person whose license or non-resident's operating privilege has been suspended or revoked under this chapter to drive any motor vehicle upon any highway except as permitted under this chapter during such suspension or revocation.
2. It is a misdemeanor for any person to forge, or, without authority, sign any notice provided for under section 5 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or to file or offer for filing any such notice or evidence of proof

of financial responsibility, or to file or offer for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority.

3. It is a misdemeanor for any person to violate any of the provisions of this chapter.

§ 31. FEDERAL, STATE, OR MUNICIPAL OWNERSHIP.] This chapter does not apply with respect to any motor vehicle owned and operated by the United States, this state, or any other political subdivision of this state or any municipality therein.

§ 32. WHO MAY BE SELF-INSURER.]

1. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in subsection 2 of this section.
2. The commissioner may, upon the application of any person issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay any judgment obtained against him.
3. Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may cancel a certificate of self-insurance if he is satisfied that such person is not possessed or will not continue to be possessed of ability to pay any judgment obtained against him. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

§ 33. EFFECT ON CERTAIN LAWS.] Except as otherwise provided herein, this Act shall not be deemed a repeal of any of the motor vehicle laws of this state, but shall be construed as supplemental thereto.

§ 34. NOT RETROACTIVE.] This Act shall not be construed as retroactive in its operation and shall not apply to any accident or judgment arising therefrom, or to any proof of financial responsibility furnished, or to the violation of any of the motor vehicle laws of this state, or to the violation of any city or village ordinances, prior to January 1, 1948.

§ 35. MAY RELY ON OTHER PROCESS.] Nothing in this Act shall be construed as preventing the plaintiff in any action

at law from relying for relief upon the other processes provided by law.

§ 36. CITATION.] This chapter may be cited as the Motor Vehicle Safety Responsibility Act.

§ 37. EFFECTIVE DATE.] This Act shall become effective January 1, 1948.

§ 38. REPEAL.] Chapter 39-14 of the North Dakota Revised Code of 1943 and all Acts and parts of Acts in conflict herewith, except as otherwise herein provided, are hereby repealed.

§ 39. CONSTITUTIONALITY.] If any section, subsection, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Approved March 21, 1947.

CHAPTER 257

H. B. No. 315—(Westby, Ekren)

APPLICATION MOTOR VEHICLE REGISTRATION; CONTENTS

AN ACT

To amend and reenact Section 39-0405 of the North Dakota Revised Code of 1943, relating to applications for registration of motor vehicles and prescribing the contents therefor.

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

§ 1. AMENDMENT.] That Section 39-0405 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

39-0405. APPLICATION FOR REGISTRATION OF VEHICLE; CONTENTS.] Application for the registration of a motor vehicle shall be made as is provided in this section:

1. Application shall be made by the owner thereof upon appropriate forms approved or furnished by the registrar, and every application shall be signed by the owner and shall contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number, and identification number, if any, whether new or used, and the last license number known, and

the state in which issued, and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the registrar; and

2. If the motor vehicle for which registration is sought is a specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application. The owner of every foreign motor vehicle which has been registered outside of this state shall exhibit to the registrar the certificate of the title and registration card or such other evidence as will satisfy the registrar that the applicant is the lawful owner or possessor of the vehicle; and
3. If the motor vehicle for which registration is sought has a manufacturer's identification number other than on the engine, such identification number shall be included in the application, and when so registered such identification number shall be deemed to include the engine number.

Approved March 15, 1947.

CHAPTER 258

H. B. No. 132—(Fleck and Brady)

DEFINING THE WORD "DEALER" IN MOTOR VEHICLES

AN ACT

To amend and reenact Subsection 1 of Section 39-0401 of the North Dakota Revised Code of 1943 defining the word "dealer" in motor vehicles.

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

§ 1.] That Subsection 1 of Section 39-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. "Dealer" shall mean every person, co-partnership or corporation engaged in the business, either exclusively or in addition to any other occupation of buying, selling, or exchanging motor vehicles, or shall offer to sell, solicit or advertise the sale or exchange of motor

vehicles, and the sale or exchange of more than three motor vehicles in any one calendar year shall constitute engaging in such business, except in the case of fleet owners purchasing, disposing of or replacing equipment.

Approved March 15, 1947.

CHAPTER 259

H. B. No. 319

(Arndt, Fuglestad, Drawz, Klefstad, Dronen and Johnson of Griggs-Steele)

DEFINING PERSONS DISQUALIFIED TO RECEIVE LICENSES, ALSO RIGHTS AND DUTIES OF NON-RESIDENT LICENSE HOLDERS— SUSPENSION, REVOCATION AND REINSTATEMENT DRIVERS LICENSES

AN ACT

To amend and reenact the following Sections of the North Dakota Revised Code of 1943: Subsection 3 and 6 of Section 39-0602, Section 39-0607, Subsections 2, 4, and 6 of Section 39-0610, Sections 39-0611, 39-0616, 39-0618 and 39-0619, defining persons not qualified to receive drivers' licenses, defining rights and duties of non-resident license holders, providing for the suspension, revocation, and reinstatement of drivers' licenses, prescribing the procedure therefor, requiring the court to detach license card upon conviction, and fixing penalties for making false statements in application for license.

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

§ 1. AMENDMENT.] That Sub-sections 3 and 6 of Section 39-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Whose operator's license has been withheld or revoked either by this state or any other state during the period such withholding or revocation shall be in full force and effect;
6. Who shall have been found negligent in the operation of a motor vehicle in any civil action for damages growing out of an accident and against whom a judgment shall have been rendered on account thereof, until such person shall have complied with the provisions of Section 39-1406 of the North Dakota Revised Code of 1943.

§ 2. AMENDMENT.] That Section 39-0607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0607. PENALTY FOR MAKING FALSE STATEMENT IN APPLICATION AND PROCEDURE FOR REVOCATION.] Any person who makes a false statement in the application for a license under the provisions of this chapter is guilty of a misdemeanor, and his license shall be revoked immediately for a period of two years from the date of such revocation. Whenever any person who is not qualified to receive a license nevertheless obtains a license, or whenever any holder of a license willfully alters the same in any material respect, the commissioner may revoke such license after notice and hearing. In such case written notice of hearing shall be served in person or by registered mail not less than twenty days prior to the date of hearing, and if an order of revocation is issued, it shall be served on such person promptly thereafter in person or by registered mail and shall be effective when served.

§ 3. AMENDMENT.] That Sub-sections 2, 4, and 6 of Section 39-0610 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Conviction of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs; or conviction of the offense of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs as defined by any municipal ordinance;
4. Conviction or forfeiture of bail upon two charges of reckless driving within the preceding twelve months; or conviction upon two charges of reckless driving within the preceding twelve months as defined by any municipal ordinance;
6. Conviction of three misdemeanors for violation of the provisions of this chapter or of any law of this state relating to highways during the two year period covered by any single license, the judge of the court in which the person has been convicted or has forfeited bail shall order the revocation, or, in his discretion, the suspension, of the license of said person for not less than thirty days nor more than two years, and thereupon shall cause a certified copy of such order to be sent to the state highway commissioner. The commissioner immediately shall revoke or suspend the license as directed by such order and shall give notice

thereof to such person by mail, and shall require such person forthwith to surrender and return his certificate of license to the commissioner. The court, in like manner, for any of the causes specified in this section, may revoke or suspend the right of any person so convicted who is not the owner of a license, to receive a license. The court also may enjoin any person so convicted from driving any motor vehicle within this state for a period of not to exceed two years.

§ 4. AMENDMENT.] That Section 39-0611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0611. REINSTATEMENT OF LICENSE; CONDITIONS.] When the period of revocation or suspension has expired, the certificate of the license shall be returned to such person on request, unless it in the meantime has expired, provided such person has furnished proof of financial responsibility as required by chapter 39-14. The court, at any time before the period of revocation or suspension has expired, may order the reinstatement of such license, subject to compliance with said financial responsibility act, or the extension of the period of revocation or suspension within the above specified limits, and the commissioner shall reinstate, or extend the period of revocation or suspension accordingly.

§ 5. AMENDMENT.] That Section 39-0616 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0616. NONRESIDENT NOT REQUIRED TO HAVE OPERATOR'S LICENSE OF THIS STATE IF LICENSED IN HOME STATE: EXCEPTION.] Except as herein provided, a nonresident shall not be required to have an operator's license of this state if he is duly licensed as an operator or chauffeur in his home state or province and if such operator's or chauffeur's license is:

1. Still in force and effect; and
2. In his immediate possession.

Any nonresident holder of an operator's or chauffeur's license who operates a motor vehicle in this state for ninety days, shall be required to obtain an operator's license in this state, provided he is otherwise qualified, and after such ninety day period it shall be unlawful for any such nonresident person to operate a motor vehicle within North Dakota without such license.

§ 6. AMENDMENT.] That Section 39-0618 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0618. NONRESIDENT WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED IN HOME STATE; NOT TO OPERATE VEHICLE IN THIS STATE.] Any nonresident or other person whose license or privilege to operate a motor vehicle has been suspended or revoked shall not operate a motor vehicle in this state during the period of such suspension or revocation.

§ 7. AMENDMENT.] That Section 39-0619 of the North Dakota Revised Code of 1943, as amended by Chapter 245 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0619. COURT TO DETACH PART OF LICENSE CARD UPON CONVICTION; FORWARDING CARD.] Any court in the state upon finding any licensee guilty of a misdemeanor under the provisions of this chapter, or of the laws of this state relating to highways, or upon finding any licensee guilty of violating any city ordinance defining the offense of driving a motor vehicle while under the influence of intoxicating liquor, or the offense of reckless driving, shall detach one of the three license cards, and shall in each such case forward such card immediately to the commissioner with a statement of the facts regarding the offense.

Approved March 21, 1947.

CHAPTER 260

H. B. No. 13

(Langley and Legislative Research Committee at the request of the Highway Department)

DISTANCE BETWEEN TRUCKS ON HIGHWAY

AN ACT

To amend and reenact Section 39-1010 of the North Dakota Revised Code of 1943 providing for trucks following too closely.

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

§ 1. AMENDMENT.] That Section 39-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1010. MOTOR TRUCK NOT TO FOLLOW WITHIN FOUR HUNDRED FEET OF ANOTHER TRUCK.] The driver of any motor truck with a gross weight of five thousand pounds or

more when traveling on a highway outside of a business or residence district shall not follow another motor truck within four hundred feet, but this shall not prevent one motor truck from overtaking and passing another.

Approved March 1, 1947.

CHAPTER 261

H. B. No. 264—(Langley)

DUPLICATE NUMBER PLATES, CERTIFICATES OF TITLE OR REGISTRATION CARDS

AN ACT

To amend and reenact section 39-0513 of the North Dakota Revised Code of 1943, providing for the issuance of duplicate number plates, certificates of title and registration cards in the event of loss and fixing the fees therefor.

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

§ 1. AMENDMENT.] That Section 39-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0513. DUPLICATE NUMBER PLATE, CERTIFICATE OR REGISTRATION CARD ISSUED WHEN; FEE.] In the event of the loss of a number plate, certificate of title or registration card the loss of which is accounted for to the satisfaction of the department, a duplicate or substitute may be issued, and the charge therefor shall be one dollar for each duplicate number plate and fifty cents for each duplicate certificate of title or registration card so issued.

Approved March 15, 1947.

CHAPTER 262

H. B. No. 12

(Langley and Legislative Research Committee at the request of Highway Department)

HIGHWAY PATROLMEN, APPOINTMENT, REMOVAL, DUTIES**AN ACT**

To amend and reenact Section 39-0303 and 39-0304 of the North Dakota Revised Code of 1943, and Section 39-0307 as amended and reenacted by Chapter 250 of the Session Laws of North Dakota for the year 1945, providing for the appointment and removal of highway patrolmen, prescribing their qualifications, and prescribing the salaries of the superintendent and assistant superintendent of the state highway patrol.

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

§ 1. AMENDMENT.] That Section 39-0303 of 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 shall constitute the division of highway safety and patrol, provided that not more than thirty patrolmen shall be appointed prior to January first, 1948. 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 highway patrol hearing board, which shall consist of 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.

§ 2. AMENDMENT.] That Subsection 1 of Section 39-0304 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-0304. QUALIFICATIONS OF PATROLMEN; VETERANS HAVE PREFERENCE.] No person shall be appointed as a patrolman unless he has the following qualifications:

1. Is not less than twenty-five and more than forty years of age on the date of his appointment;

§ 3. AMENDMENT.] That Section 39-0307 of the North Revised Code of 1943 as amended and reenacted by Chapter

250 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0307. SALARY OF SUPERINTENDENT; ASSISTANT SUPERINTENDENT; LIMITATIONS.] The salaries of the superintendent and assistant superintendent shall be in such sum as shall be appropriated, from time to time, by the legislative assembly. The salary of each patrolman shall be fixed by the superintendent, and all salaries shall be paid monthly.

Approved March 14, 1947.

CHAPTER 263

H. B. No. 202

(Fitch, Benno, Anderson of McKenzie, Halcrow, Schwartz and Esterby)

INTERSTATE VEHICLE FEES

AN ACT

To amend and re-enact Section 39-0449 of the North Dakota Revised Code of 1943, relating to the fees to be paid by interstate vehicles.

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

§ 1. **AMENDMENT.]** That Section 39-0449 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 39-0449. **INTERSTATE VEHICLES TRANSPORTING PROPERTY OR PASSENGERS FOR HIRE TO PAY SAME FEES AS RESIDENT VEHICLES.]** Every person engaged in the hauling or transportation for hire or compensation of property or person by motor vehicle from any state into this state for a distance of more than twenty miles, or from any state through this state, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

Approved March 11, 1947.

CHAPTER 264**H. B. No. 251—(Esterby, Siverson, Hogoboom and Homelvig)****LENGTH LIMITATIONS MOTOR VEHICLES****AN ACT**

To amend and reenact subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended and reenacted by section 1 of chapter 246 of the session laws of North Dakota for the year 1945, relating to the length limitations on motor vehicles and providing exceptions thereto.

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

§ 1. AMENDMENT.] That Subsection 3, Section 39-1204 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 of Chapter 246 of the session laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

3. A length, including the load thereon, of thirty-five feet. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet. No more than two units shall be used in a combination, and a tractor-truck and a semi-trailer shall be considered as two units. The provisions of this subsection shall not apply to the carriage of equipment of the army or the defense forces of the United States Government, the national guard of this state, nor to vehicles engaged in interstate commerce which do not come into the state of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip and which do not travel on the highways of this state a distance of more than forty miles on said trip; provided, that any person so engaged in interstate commerce, desiring to enter the state for a distance of not to exceed twenty miles as herein provided, shall make application to the North Dakota highway commissioner for a permit so to do, which permit shall be furnished in the discretion of the commissioner and without cost, and shall cover such period of time as the commissioner in his discretion shall determine, nor to structural material of telephone, power and telegraph companies which necessarily must be transported on the highways on account of the location of their lines adjacent to such highways. Other structural material which could not be transported over the highways of this state on account of the provisions of this subsection, upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used, may be transported upon obtaining a tem-

porary permit from the commissioner or from any employee designated by the commissioner for such purposes.

Approved March 11, 1947.

CHAPTER 265

H. B. No. 10

(Langley and Legislative Research Committee at the request of State Highway Department)

OPERATORS LICENSE APPLICANT TESTS, FEE

AN ACT

To amend and reenact Section 39-0606 of the North Dakota Revised Code of 1943 providing for the examination of applicants for motor vehicle operator's licenses, and to amend and reenact Section 39-0605 of the North Dakota Revised Code of 1943 providing for the issuance of a junior license to minors under the age of fourteen.

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

§ 1. AMENDMENT.] That Section 39-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0606. APPLICANT FOR LICENSE REQUIRED TO TAKE PHYSICAL, MENTAL, AND DRIVING TESTS; FEE FOR PHYSICAL EXAMINATION.] In case any application for a motor vehicle operator's license, or other information coming to the attention of the state highway department of this state, suggests or indicates that the applicant may be lacking in qualifications necessary to entitle him to such license, he may be required to undergo an examination under oath, and such physical, mental and driving tests as may be necessary to determine his qualifications. To facilitate such examination and tests, the commissioner may require any patrolman, chief of police, sheriff or deputy sheriff to conduct the same in accordance with such reasonable rules as the state highway department may prescribe. In such examination and tests, the person to be examined shall furnish the motor vehicle to be used in connection with the examination and shall appear at such time and place in the city or village nearest the applicant's residence as the commissioner shall designate. The officer conducting such examination and tests shall forward a report of the same on a blank furnished by the state highway department, with a recommendation as to whether or not an operator's

license should be issued to the applicant. When the state highway department shall require a physical examination for an operator's license, the cost of such examination shall be paid by the applicant, but no physician shall charge more than two dollars for the examination. The commissioner may also require the following applicants to undergo a like examination and test:

1. Every person who applies for an operator's license after July first, 1947, who has not previously received an operator's license in this state;
2. Every person whose license has been suspended or revoked pursuant to the provisions of Section 39-0610 of the North Dakota Revised Code of 1943;
3. Every operator of a motor vehicle involved in an accident resulting in the death or injury of another person; and
4. The commissioner may issue a temporary permit to any person who applies for an examination and test under the provisions of this Section, which shall entitle the holder to operate a motor vehicle until such examination and test is given, and may remove the same at any time.

§ 2. AMENDMENT.] That Section 39-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0605. CHILD UNDER SIXTEEN YEARS OF AGE ENTITLED TO LICENSE; QUALIFICATIONS: RESPONSIBILITY OF PARENTS: LICENSE LIMITATIONS: COMMISSIONER AUTHORIZED TO ISSUE JUNIOR LICENSE UNDER CERTAIN CONDITIONS.] An operator's license may be issued to any child, who is more than fourteen years of age and less than sixteen years of age, otherwise qualified, upon the written recommendation of the county judge of the county in which such child resides. No county judge shall make a recommendation for the issuance of an operator's license to a child who is less than sixteen years of age unless such child, accompanied by his parent or guardian, shall appear in person before him and satisfy such judge that:

1. Such child is at least fourteen years of age;
2. Such child appears to be qualified to operate an automobile safely; and
3. It is necessary for such child to drive his parent's or guardian's automobile without being accompanied by some person over sixteen years of age.

The parent or guardian, at all times, shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this section shall not authorize such child to drive a motorcycle, commercial truck, motor bus, or taxicab. The commissioner may also issue a junior license to a minor under the age of fourteen upon application by parent, guardian or lawful custodian of said minor when necessity for same is shown and ability to drive demonstrated. Such license shall be restricted to the operation of a motor vehicle registered to the licensee's parent, guardian, or employer, either to or from school, to or from work, or on business of the parent, guardian, or employer, unless the licensee is accompanied by and under the immediate supervision of an adult. Such restrictions shall be made in writing and attached to and become a part of such junior license. The possession of a junior license shall not authorize the licensee to operate a motor vehicle in violation of any law, nor in violation of any rule of regulation of the State or Federal authorities relating to employment of minors.

Approved March 14, 1947.

CHAPTER 266

H. B. No. 11

(Langley and Legislative Research Committee at the request of State Highway Department)

MOTOR VEHICLE OPERATOR'S LICENSE, TERM AND FEES

AN ACT

To amend and reenact Section 39-0609 of the North Dakota Revised Code of 1943 providing for the term and fees of motor vehicle operator's licenses.

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

§ 1. AMENDMENT.] That Section 39-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0609. TERM AND FEES OF LICENSES.] A motor vehicle operator's license shall be issued for a term of two years, which shall commence on July first of each odd numbered year, beginning with July first, 1947, and expire on June thirtieth of the next succeeding odd numbered calendar year. The fee for such license shall be two dollars for each term or

part thereof, except that applicants under eighteen years of age shall pay the sum of one dollar for each license.

Approved March 14, 1947.

CHAPTER 267

S. B. No. 44

(Brant for Legislative Research Committee at request of Highway Department)

LICENSE FEES COMMERCIAL AND NON-COMMERCIAL TRUCKS

AN ACT

To amend and reenact Section 39-0424 of the North Dakota Revised Code of 1943 as amended by Chapter 248 of the Session Laws of North Dakota for the year 1945, providing for license fees for commercial and noncommercial trucks.

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

§ 1. AMENDMENT.] That Section 39-0424 of the North Dakota Revised Code of 1943 as amended by Chapter 248 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0424. FEES FOR COMMERCIAL AND NONCOMMERCIAL TRUCKS.] All commercial and noncommercial trucks, except vehicles for the transportation of passengers, and vehicles excluded by Section 39-0453, shall pay the following registration fees:

SCHEDULE A

GROSS WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	MIN. 7th Year
4,000	25.00	23.75	22.50	21.25	20.00	18.75	17.50
6,000	31.00	29.50	28.00	26.50	25.00	23.50	22.00
8,000	38.00	36.00	34.00	32.00	30.00	28.00	26.75
10,000	44.00	41.75	39.50	37.25	35.00	32.75	30.75
12,000	50.00	47.50	45.00	42.50	40.00	37.50	35.00
14,000	56.00	53.25	50.50	47.75	45.00	42.25	39.25
16,000	63.00	59.75	56.50	53.25	50.00	46.75	44.00
17,000	69.00	65.50	62.00	58.50	55.00	51.50	48.25
18,000	75.00	71.25	67.50	63.75	60.00	56.25	52.50
20,000	81.00	77.00	73.00	69.00	65.00	61.00	56.75
22,000	88.00	83.50	79.00	74.50	70.00	65.50	61.50
24,000	94.00	89.25	84.50	79.75	75.00	70.25	65.75
26,000	100.00	95.00	90.00	85.00	80.00	75.00	70.00
28,000	106.00	100.75	95.50	90.25	85.00	79.75	74.25
30,000	125.00	118.75	112.50	106.25	100.00	93.75	87.50
32,000	156.00	148.25	140.50	132.75	125.00	117.25	109.25
34,000	188.00	178.50	169.00	159.50	150.00	140.50	131.50
36,000	225.00	213.75	202.50	191.25	180.00	168.75	157.50
38,000	263.00	249.75	236.50	223.25	210.00	196.75	184.00
40,000	313.00	297.25	281.50	265.75	250.00	234.25	219.00
42,000	369.00	350.50	332.00	313.50	295.00	276.50	258.25
44,000	425.00	403.75	382.50	361.25	340.00	318.75	297.50
46,000	482.00	458.00	434.00	410.00	385.00	362.00	337.50
48,000	538.00	511.00	484.00	457.00	430.00	403.00	376.75
50,000	594.00	564.25	534.50	504.75	475.00	445.25	415.75
52,000	650.00	617.50	585.00	552.50	520.00	487.50	455.00
54,000	707.00	671.50	636.00	600.50	565.00	529.50	495.00
56,000	763.00	724.75	686.50	648.25	610.00	571.75	534.00
58,000	819.00	778.00	737.00	696.00	655.00	614.00	573.25

Over 40,000 pounds add fifty-six dollars and twenty-five cents for each additional 2,000 pounds or fraction thereof. For vehicles registered after January 1, 1943, and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions.

Approved March 10, 1947.

CHAPTER 268

S. B. No. 43

(Brant for Legislative Research Committee
at request of Highway Department)

**REVISED FEE SCHEDULE MOTOR VEHICLES WITHIN MUNICIPALITY
OR CARRYING AGRICULTURAL PRODUCTS****AN ACT**

To amend and reenact Section 39-0453 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 247, of the Session Laws of North Dakota for the year 1945, relating to license required by certain motor vehicles, providing for a revised fee schedule and the annual reduction of such fees; providing a penalty.

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

§ 1. AMENDMENT.] That Section 39-0453 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 247, of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

39-0453. FEES FOR VEHICLES OPERATED WITHIN MUNICIPALITY OR TRANSPORTING AGRICULTURAL PRODUCTS.] The owner of a motor vehicle which:

1. Is used by the owner of such vehicle for the transportation of farm or agricultural products of such owner from the farm where such products are produced or grown to the market, or the transportation of goods of the owner of such vehicle from the market or from livestock markets to the farm of such owner;
2. Is used for the transportation of any and all property between the farms and the usual local trading places and between the farms and the livestock markets of the person for whom such transportation is performed or between farms locally, except when operated directly for hire or profit; or
3. Operates exclusively within the corporate limits of any city or village, or within two miles thereof, shall pay the following registration fees:

SCHEDULE B

GROSS WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year	9th Year	10th Year	Min. 11th Year
4,000	17.00	16.00	15.00	14.00	13.00	12.00	11.00	10.00	9.50	9.00	8.50
6,000	20.00	19.00	18.00	17.00	16.00	15.00	14.00	13.00	12.00	11.00	10.00
8,000	23.00	22.00	21.00	20.00	19.00	18.00	17.00	16.00	14.50	13.00	11.50
10,000	26.50	25.00	23.50	22.00	20.50	19.00	18.00	17.00	16.00	14.50	13.25
12,000	29.50	28.00	26.50	25.00	23.50	22.00	21.00	20.00	18.00	16.00	14.75
14,000	32.50	30.50	28.50	27.00	25.50	24.00	23.00	21.00	19.00	17.00	16.25
16,000	35.50	33.50	31.50	29.50	27.50	25.50	24.00	22.50	21.00	19.00	17.75
18,000	39.00	37.00	35.00	33.00	31.00	29.00	27.00	25.00	23.00	21.00	19.50
20,000	42.50	40.50	38.50	36.50	34.50	32.50	30.50	28.00	25.50	23.00	21.25
22,000	46.50	44.00	41.50	39.00	36.50	34.00	31.50	29.50	27.50	25.00	23.25
24,000	50.00	47.50	45.00	42.50	40.00	37.50	35.00	32.50	30.00	27.00	25.00

Provided that for registrations under Schedule B of gross weights over 24,000 pounds, the fee schedule of Schedule A will be applied. Trucks used by star and rural mail carriers in the course of their duties in the delivery of mail, and equipped with special auxiliary equipment for use in snow and mud, shall be charged a license fee of three dollars per annum. For vehicles registered after January 1, 1943, and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions. Vehicles registered prior to January 1, 1943 shall be registered under the following minimum fee schedule according to the year of first registration, which shall be the minimum fee thereafter:

GROSS WEIGHT	1942	1941	1940	1939	YEAR 1938	1937	1936	1935	1934 & Before
4,000	8.00	7.50	7.00	7.00	7.00	7.00	7.00	6.00	5.00
6,000	10.00	9.50	9.00	7.00	7.00	7.00	7.00	6.00	5.00
8,000	11.50	11.00	11.00	9.00	8.50	8.50	8.00	7.00	5.00
10,000	13.25	13.25	13.00	11.00	10.00	9.50	8.00	7.00	5.00
12,000	14.75	14.75	14.00	13.50	12.00	10.50	9.00	7.50	5.00
14,000	16.25	16.25	16.00	14.50	13.00	11.50	10.00	8.50	6.00
16,000	17.25	17.25	17.00	15.50	14.00	12.50	11.00	9.50	7.00
18,000	19.00	18.50	18.00	16.50	15.00	13.50	12.00	10.50	8.00
20,000	20.75	20.00	19.00	17.50	16.00	14.50	13.00	11.50	9.00
22,000	22.25	21.25	20.00	18.50	17.00	15.50	14.00	12.50	10.00
24,000	23.75	22.50	21.00	19.50	18.00	16.50	15.00	13.50	11.00

§ 2. PENALTY:] Any person found operating a motor vehicle, under the provisions of this Act, in a classification which would require a higher fee under another classification than that fee for which he was currently licensed, shall have his present license canceled and shall be required to obtain a full year's license in the proper higher fee schedule.

Approved March 10, 1947.

CHAPTER 269

S. B. No. 45

(Brant for Legislative Research Committee at request of Highway Department)

LICENSE FEES PASSENGER MOTOR VEHICLES

AN ACT

To amend and reenact Section 39-0422 of the North Dakota Revised Code of 1943, providing license for fees for passenger motor vehicles.

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

§ 1. AMENDMENT.] That Section 39-0422 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0422. FEES FOR PASSENGER MOTOR VEHICLES.] The fees to be paid for registration, reregistration, and operation on all passenger motor vehicles, including hearses and ambulances, except motorcycles, shall be based on the manufacturer's weights of such passenger cars as follows:

WEIGHT	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year	9th Year	10th Year	Min. Fee
2000	15.50	14.75	14.00	13.25	12.50	11.75	11.00	10.25	9.50	8.75	7.75
2001-2500	17.50	16.75	16.00	15.25	14.50	13.75	13.00	12.25	11.50	10.75	8.75
2501-2800	20.50	19.50	18.50	17.50	16.50	15.50	14.50	13.50	12.50	11.50	10.25
2801-3200	25.00	23.75	22.50	21.25	20.00	18.75	17.50	16.25	15.00	13.75	12.50
3201-3600	31.25	29.75	28.25	26.75	25.25	23.75	22.25	20.75	19.25	17.75	15.50
3601-4000	34.25	32.50	30.75	29.00	27.25	25.50	23.75	22.00	20.25	18.50	17.25
4001-4500	46.75	44.50	42.25	40.00	37.75	35.50	33.25	31.00	28.75	26.50	23.50
4501-5000	62.50	59.50	56.50	53.50	50.50	47.50	44.50	41.50	38.50	35.50	31.25
5001-6000	87.50	83.00	78.50	74.00	69.50	65.00	60.50	56.00	51.50	47.00	43.75
6001-7000	112.50	107.00	101.50	96.00	90.50	85.00	79.50	74.00	68.50	63.50	56.25
7001-8000	137.50	130.00	123.50	116.50	109.50	102.50	95.50	88.50	81.50	74.50	68.75
8001-9000	162.50	154.50	146.50	138.50	130.50	122.50	114.50	106.50	98.50	90.50	81.25
9000 & over	187.50	178.25	169.00	159.75	150.50	141.25	132.00	122.75	113.50	104.25	93.75

For vehicles registered after January 1, 1943 and prior to July 1, 1947, the fee shall remain at the 1947 registration fee level, which shall be the annual fee thereafter until the schedule provided for in this Act authorizes further reductions. Vehicles registered prior to January 1, 1943 shall be registered under the following minimum fee schedule according to the year of first registration, which shall be the minimum fee thereafter:

WEIGHT	1942	1941	1940	1939	1938	1937	1936	1935	1934 & Before
2000	7.00	7.00	7.00	7.00	7.00	7.00	6.00	5.00	5.00
2001-2500	8.00	8.00	8.00	8.00	8.00	7.00	6.00	5.00	5.00
2501-2800	9.00	9.00	9.00	9.00	8.00	7.00	6.00	5.00	5.00
2801-3200	12.00	11.00	10.00	9.00	8.00	7.00	6.00	5.00	5.00
3201-3600	14.00	12.50	11.50	10.00	8.50	7.00	6.00	5.00	5.00
3601-4000	15.75	14.25	13.00	11.50	10.00	8.50	7.00	6.00	5.00
4001-4500	20.50	17.50	14.50	13.00	11.50	10.00	8.50	7.00	5.00
4501-5000	26.00	21.00	18.00	14.00	12.00	10.00	8.50	7.00	5.00
5001-6000	36.00	29.00	22.00	20.00	17.50	15.00	12.50	10.00	7.50
6001-7000	47.00	38.50	30.00	26.00	21.50	18.00	14.50	11.00	7.50
7001-8000	57.75	46.75	36.00	32.50	27.50	22.50	17.50	13.50	7.50
8001-9000	69.00	55.50	42.00	36.50	31.50	25.50	19.50	13.50	7.50
9000 & Over	79.00	64.50	50.00	43.00	36.00	29.00	22.00	15.00	7.50

Approved March 10, 1947.

CHAPTER 270

H. B. No. 33

(Langley and Legislative Research Committee at request of Governor's Safety Conference)

QUALIFICATIONS SCHOOL BUS DRIVERS, DEFINING SCHOOL BUS

AN ACT

Relating to the qualifications of school bus drivers, their physical fitness, character, and age, and defining the term school bus.

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

§ 1. QUALIFICATIONS, CHARACTER, AND AGE OF SCHOOL BUS DRIVERS.] The driver of a school bus shall be in good physical and mental health, able-bodied, free from communicable diseases, and shall have normal use of both hands, both feet, both eyes, both ears. It shall be the duty of school boards to designate reputable physicians to examine each driver annually. It shall be the duty of each driver to present the physician's certificate of physical fitness to the employing school board before a contract is signed. Such driver shall possess a good moral character, and shall be at least eighteen and not more than sixty years of age and shall be required to have a North Dakota driver's license.

§ 2. SCHOOL BUS DEFINED.] The term school bus as used in this Act shall mean a passenger motor vehicle having an actual seating capacity of twelve or more passengers.

Approved March 15, 1947.

CHAPTER 271

H. B. No. 200

(Fitch, Benno, Anderson of McKenzie, Halcrow, Schwartz and Esterby)

MOTOR VEHICLE REGISTRATION FEES EXEMPTION; RECIPROCITY
ON FEES

AN ACT

To amend and reenact the following sections in the North Dakota Revised Code of 1943; Section 39-0421; 39-0425; Section 39-0431 as amended and reenacted by section 2 of chapter 251 of the Session Laws of North Dakota for the year 1945; Section 39-0449; and section 3 of chapter 251 of the Session Laws of North Dakota for the year 1945, relating to the registration of motor vehicles within the state of North Dakota, providing for certain exemptions, and providing for reciprocity on motor vehicle license fees.

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

§ 1. AMENDMENT.] That Section 39-0421 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0421. MOTOR VEHICLES EXEMPT FROM REGISTRATION FEES; RECIPROCAL USE OF STATE HIGHWAYS BY FOREIGN LICENSED MOTOR VEHICLES.] All motor vehicles owned and operated by this state or by any of its subdivisions shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from the payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. Provided, that any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered in any state of the United States, the District of Columbia, or any foreign province, state or country, which vehicle carries the number plates indicating such registration and licensing in such foreign state, and which vehicle is not engaged, operated or used in intra-state commerce within this state, may be operated over the highways of the state of North Dakota without being registered or licensed in this state, during the year of such foreign registration and licensing, where such state, district or foreign province or state allows any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered and licensed in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of North Dakota as are granted herein to non-residents; provided further that any one who desires to take advantage of the reciprocity provisions of this chapter shall make application in duplicate to the North Dakota public service commission, giving the point of entry and routes of travel within

the state and receive a permit which shall be furnished without cost. The public service commission shall transmit one copy of such application to the highway commissioner prior to issuance of such permit; provided further, that the owner of such motor vehicle has not moved to the state of North Dakota, in which case the vehicle must be registered for the remainder of the calendar year as provided by the provisions of this chapter.

§ 2. AMENDMENT.] That Section 39-0425 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0425. TRUCK, TRACTOR, TRUCK-TRACTOR, SEMI-TRAILER, TRAILER: LICENSE FEE.] No truck, tractor, truck-tractor, semi-trailer, or trailer shall be operated on the highways of this state engaged exclusively in transporting property in interstate commerce or between this state and any province in the Dominion of Canada, except as provided by Section 39-0421, unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the registrar. The applicant shall pay therefor a fee of five dollars for each such vehicle and in addition thereto truck-mile tax as compensation for the use of the highways, which tax shall be based upon the unloaded weight of the vehicle and the distance that such vehicle travels on the highways of this state. The tax on each motor vehicle or combination of vehicles shall be ascertained by multiplying the number of miles traveled by each of such vehicles on the highways of this state by the rate per mile as provided in this chapter.

§ 3. AMENDMENT.] That Section 39-0431 of the North Dakota Revised Code of 1943 as amended by Section 2 of Chapter 251 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

39-0431. TRUCK-MILE TAX: EXCEPTION.] The truck-mile tax (imposed by this act) shall not be required upon a vehicle already registered under an authorized intrastate certificate or permit issued by the public service commission, upon which the prescribed fees have been paid and which already has been registered with the motor vehicle department, and for which the regular vehicle license plates as well as commercial C plates, provided by statute, have been purchased and displayed on said vehicle nor upon any vehicle exempted under the provisions of Section 39-0421, even though said truck also is engaged in interstate commerce.

§ 4. AMENDMENT.] That Section 39-0449 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0449. INTERSTATE VEHICLES TRANSPORTING PROPERTY OR PASSENGERS FOR HIRE TO PAY SAME FEES AS RESIDENT VEHICLES.] Every person engaged in the hauling or transportation for hire or compensation of property or person by motor vehicle from any state into this state for a distance of more than twenty miles, or from any state through this state, except as provided in Section 39-0421, shall be required to register each such vehicle and pay the same fees therefor as are required with reference to like vehicles owned by residents of this state.

§ 5. AMENDMENT.] That Section 3 of Chapter 251 of the 1945 Session Laws is hereby amended and reenacted to read as follows:

3. IMPOSING FEES IN LIEU OF TRUCK-MILE TAX.] Any motor carrier engaged exclusively in interstate commerce, except as provided by Section 39-0421, who has not obtained an intrastate certificate, may, at his election, in lieu of paying the truck-mile tax imposed by this Act register every vehicle used in this state with the motor vehicle department and pay the fees for the regular license plates and commercial C plates, or identification tag, as required by law, and in addition thereto:

1. Pay a fee of thirty dollars annually on or before the fifteenth day of April of each year; and
2. Pay the sum of fifteen dollars per vehicle or combination of vehicles as a listing fee, provided however, that the total listing fee shall not exceed the total sum of one hundred fifty dollars. Provided however, that every private carrier, who is solely engaged in interstate commerce, who shall secure the regular license plates and pay the fees required by law therefor, shall be exempt from the truck-mile tax imposed herein. The fee imposed by this section in lieu of the truck-mile tax shall be paid as compensation for the right and privilege of using the public highways of this state to engage in interstate commerce.

Approved March 15, 1947.

CHAPTER 272**H. B. No. 194—(Fleck)****REGISTRATION FEE EXEMPTION DISABLED VETERANS**

AN ACT

Providing for the exemption of certain disabled veterans from payment of registration fee for vehicle owned by disabled veterans, and declaring an emergency.

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

§ 1. Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th Congress of the United States shall be 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 number plates issued, to cover the cost of such plates and registration on one passenger car owned and operated by him for his natural life.

§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, 1947.

CHAPTER 273**H. B. No. 34**

(Langley and Legislative Research Committee
at request of Governor's Safety Conference)

**RESPONSIBILITY MOTOR VEHICLE DRIVER MEETING
SCHOOL BUS STOPPED ON HIGHWAY****AN ACT**

Relating to the responsibility of any driver of a motor vehicle upon meeting or overtaking any school bus which has stopped for the purpose of receiving and discharging school children, and providing a penalty.

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

§ 1. RESPONSIBILITY OF ANY DRIVER OF A MOTOR VEHICLE UPON THE HIGHWAYS OF NORTH DAKOTA.] A driver of any motor vehicle on a highway outside of a business or residential district, upon meeting or overtaking any school bus

which has stopped on the highway for the purpose of receiving or discharging school children, shall come to a complete stop and shall not resume motion until the school bus has completed loading or unloading passengers. This section shall be applicable only in the event that the school bus shall bear the words "SCHOOL BUS" in black letters at least four inches high on both the front and rear of the body, or on a sign attached thereto.

§ 2. PENALTY.] Any operator of a motor vehicle violating the provisions of Section 1 shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, or to imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment.

Approved March 14, 1947.

CHAPTER 274

H. B. No. 211

(Holand, Lillehaugen, Elnarson, Brickner and Graham)

SPECIAL FEE FOR 'UNSATISFIED JUDGMENT FUND'— PAYMENT OF CERTAIN JUDGMENTS, ETC.

AN ACT

Providing for a special registration fee on motor vehicles, establishing a fund in the State Treasury to be known as the "Unsatisfied Judgment Fund" from the fees derived therefrom, authorizing the payment from such fund of certain judgments for damages resulting from bodily injury to, or death of, persons arising from the ownership, maintenance, operation or use of a motor vehicle by the judgment debtor, providing the procedure, conditions and limitations therefor, and prescribing the conditions under which such judgment debtor, whose driver's license, driving privilege or registration privilege has been suspended or revoked, may have his license, driving privilege or registration privilege restored.

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

§ 1. The owner of each motor vehicle registered under the registration laws of this state, shall, at the time of registering the same in each year commencing with January 1, 1948, pay to the Motor Vehicle Registrar in addition to the registration fees, a fee of \$1.00 for each motor vehicle registered.

§ 2. The fees paid pursuant to Section 1 hereof shall be deposited with the State Treasurer, who shall credit the same to a special fund which shall be known as the "Unsatisfied Judgment Fund" which fund is hereby established for the purposes of this Act; provided that if on the 31st day of December in any year the amount of such fund exceeds \$175,000.00, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the 1st day of January, the amount of such fund is less than \$100,000.00, when such fee shall be reimposed and collected as provided herein.

§ 3. Where any person, who is a resident of this state, recovers in any court in this state a judgment for an amount exceeding \$300.00 in an action for damages resulting from bodily injury to, or the death of, any person occasioned by, or arising out of, the ownership, maintenance, operation or use of a motor vehicle by the judgment debtor in this state, upon such judgment becoming final, such judgment creditor may, in accordance with the provisions of this Act, apply to the Judge of the District Court in which such judgment was rendered, upon notice to the Attorney General, for an Order directing payment of the judgment out of said fund. Upon the hearing of the application, the judgment creditor shall show: (1) that he has obtained judgment as set out in this section, stating the amount thereof and the amount owing thereon at the time of the application; (2) that he has caused an execution to be issued thereon, and that (a) the Sheriff has made a return thereon showing that no property of the judgment debtor liable to be seized in satisfaction of the judgment debt, could be found, or (b) the amount realized on the sale of property seized, or otherwise realized under the execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due thereon; (3) that he has caused the judgment debtor, where the judgment debtor is available, to be examined pursuant to law for that purpose, touching his property, and in particular as to whether the judgment debtor is insured under a policy of automobile insurance against loss occasioned by his legal liability for bodily injury to, or the death of, another person; (4) that he has made an exhaustive search and inquiry to ascertain whether the judgment debtor is possessed of property, real or personal, liable to be sold or applied in satisfaction of the judgment; and (5) that as a result of such search, inquiry and examination, he has learned of no property, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or that he has learned of certain property, describing it, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all neces-

sary proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the amount remaining due thereon.

§ 4. The Attorney General may appear and be heard on said application and may show cause, if any there be, why the order applied for should not be made.

§ 5. If the Court is satisfied of the truth of the matters shown by the judgment creditor as required by Section 3, and if the applicant has taken all reasonable steps to enforce the collection of said judgment, that there is good reason for believing that the judgment debtor has no property liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and is not insured under a policy of automobile insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment, the Court shall make an Order directed to the State Treasurer requiring him, subject to the provisions of Section 7 hereof, to pay from said fund the amount of the judgment or the balance owing thereon, and the State Treasurer shall comply with such order.

§ 6. An Order made under Section 3 shall be subject to appeal to the Supreme Court by the judgment creditor, or by the Attorney General, in the manner provided by law for the taking of appeals from final Orders in a civil action.

§ 7. No Order shall be made by the Court directing the payment of more than \$5,000.00, exclusive of costs, in the case of a judgment resulting from bodily injury to, or the death of, one person in one accident, nor, subject to such limit of \$5,000.00 for each person so injured or killed in one accident, shall an Order be made directing the payment of judgments for more than \$10,000.00, exclusive of costs, in cases arising out of one accident. In cases where the judgment creditor has effected the collection of a part of his judgment from any source, the amount authorized to be paid from such fund shall be the difference between the amount of the judgment, provided that it does not exceed \$5,000.00, and the amount realized thereon.

§ 8. Before making any payment on any such judgment from the fund in compliance with an Order, the State Treasurer shall require the judgment creditor to assign such judgment to the State Treasurer for the use and benefit of said fund.

§ 9. In the event, at the time of the filing of such Order, there is not sufficient monies in said fund to satisfy said

Order, such Order shall be registered by the State Treasurer and shall be paid when the monies are available in said fund and subsequent Orders shall be paid therefrom in the order of registration; provided, that if more than two judgments are obtained against a judgment debtor upon causes of action arising out of one accident and the aggregate amount due thereon, after crediting collections, if any, exceeds \$10,000.00, the Court in making its Order shall direct that the State Treasurer shall prorate the distribution from the fund in the proportion which each such judgment or the balance unpaid thereon bears to the sum of \$10,000.00.

§ 10. Where the driver's license or driving privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or revoked pursuant to the laws of this State, and the State Treasurer has paid from the fund any amount toward the satisfaction of a judgment and costs recovered against such person, the suspension or revocation shall not be removed, nor the driver's license or driving privileges or registration restored, nor any new license or driving privilege issued or granted to or registration be permitted to be made by such person until he has repaid in full to the State Treasurer the amount so paid by him from such fund, together with interest thereon at the rate of 2% per annum from the date of such payment; and has furnished proof of financial responsibility as required by the laws of this State; Provided that the court in which such judgment was rendered, may, upon ten days notice to the Attorney General, make an order permitting payment of the amount which such person is indebted to the fund, to be paid in installments, and in such case, such person's driver's license, or his driving privileges, or registration privileges, if the same have been suspended or revoked, or have expired, may be restored and shall remain in effect until and unless such person defaults in making any installment payment specified in such order. In the event of any such default, the Commissioner shall, upon notice of such default, suspend such person's driver's license, or driving privileges or registration privileges until the amount of his debt to the fund has been paid in full.

Approved March 21, 1947.

CHAPTER 275

H. B. No. 15

(Langley and Legislative Research Committee
at the request of the Highway Department)

SPEED LIMITATIONS MOTOR VEHICLES**AN ACT**

To amend and reenact Subsection 8 of Section 39-0902 of the North Dakota revised Code of 1943 providing for speed limitations.

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

§ 1. AMENDMENT.] That Subsection 8 of Section 39-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0902. SPEED LIMITATIONS.]

8. The highway commissioner may designate specific areas of state highways where the maximum speed limit of sixty miles per hour for passenger vehicles from sunrise to sunset is permissible. The maximum speed limit for all trucks shall be fifty miles per hour. A lower speed limit than fifty miles per hour may be designated for all vehicles in certain areas by the commissioner if in his opinion conditions warrant this action. Fifty miles per hour under all other conditions.

Approved March 13, 1947.

CHAPTER 276

H. B. 201

(Fitch, Benno, Anderson of McKenzie,
Halcrow, Schwartz and Esterby)TAX EXEMPTIONS; VEHICLES WITHIN CORPORATE LIMITS;
OUT-OF-STATE VEHICLES

AN ACT

To amend and reenact Section 39-0432 of the North Dakota Revised Code of 1943 relating to taxation of motor vehicles using the highways of the State of North Dakota for commercial purposes; and engaged in transportation for hire in interstate commerce.

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

§ 1. AMENDMENT.] That Section 39-0432 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

39-0432. TAX EXEMPTIONS; VEHICLES WITHIN CORPORATE LIMITS OF MUNICIPALITIES; OUT-OF-STATE VEHICLES.] No tax shall be required from any truck, tractor, truck-tractor, semi-trailer, or trailer when such vehicle engaged in interstate commerce does not come into the State of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip, and does not travel on the highways of this state a distance of more than forty miles on said trip, nor shall any tax be required where said vehicle does not leave the incorporated limits of any village or city while in the State of North Dakota within a zone circumscribed by a line running parallel to the corporate limits of any city, village, or contiguous cities and villages, and twenty miles distant therefrom. Nothing contained in this section shall be construed as preventing trucks, tractors, truck-tractors, semi-trailers, or trailers from coming into the state such distance as shall be necessary to reach the nearest railway shipping station on the most direct traveled route from the state line to said station if under the law of the state of the residence of such owner like exemptions and privileges are granted to vehicles duly registered under the law and owned by residents of this state.

Approved March 11, 1947.

MUNICIPAL GOVERNMENT

CHAPTER 277 S. B. No. 93—(Brant)

TAX LEVY FOR CITY EMPLOYEES PENSION FUND, LIMITATIONS

AN ACT

To amend and reenact Section 40-4602 of the North Dakota Revised Code of 1943, authorizing a tax levy for city employees' pension fund and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-4602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4602. TAX LEVY FOR CITY EMPLOYEES' PENSION FUND AUTHORIZED; LIMITATIONS.] In addition to any other levies authorized by law for general purposes, any city having a population in excess of ten thousand inhabitants according to the last official federal or state census which has adopted a civil service system for city employees may levy an annual tax of not more than one and one-half mills for the purpose of creating and maintaining a city employees' pension fund.

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

Approved March 7, 1947.

CHAPTER 278

S. B. No. 14

(Senator Brant for Legislative Research Committee
at the request of Office of State Examiner)

CITY TREASURER TRIPLICATE RECEIPTS;

AN ACT

To amend and reenact Section 40-1703 of the North Dakota Revised Code of 1943 relating to the issuance of receipts by a city treasurer.

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

§ 1. AMENDMENT.] That Section 40-1703 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

40-1703. TRIPLICATE RECEIPTS GIVEN BY TREASURER: FILED WITH AUDITOR.] The governing body of each city in the state of North Dakota shall furnish the city treasurer with prenumbered triplicate receipts in such form as shall be approved by the state examiner. The city treasurer shall issue his official receipt in triplicate for each sum of money paid into the city treasury from whatever source received specifying the date and amount of such payment and upon what account such money is paid. He shall deliver the original copy of said receipt to the person or official from whom the money is received, deliver the duplicate copies of said receipts to the city auditor on the last business day of the month in which they were issued or oftener as the city auditor may request, and the city treasurer shall retain the triplicate copies of said receipts and file same numerically in his office. The city treasurer and the city auditor shall enter such receipts numerically in their respective records of receipts.

Approved February 10, 1947.

CHAPTER 279

H. B. No. 154—(Wollitz, Thompson, Klefstad and Williams)

TRANSFER CITY WAR EMERGENCY FUND TO GENERAL FUND
AN ACT

Permitting cities to transfer the war emergency fund to the general fund of the city and declaring an emergency.

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

§ 1. Any city which, pursuant to the provisions of Section 57-1529 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 318 of the Session Laws of North Dakota for the year 1945, has created a war emergency fund and has levied a tax therefor, may transfer from such war emergency fund into the general fund of said city all or any part of such war emergency fund.

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

Approved March 3, 1947.

CHAPTER 280

S. B. No. 268

(Morgan and O'Brien at the request of the
State Water Conservation Commission)

ESTABLISHMENT, CONSTRUCTION AND IMPROVEMENT
MUNICIPAL UTILITIES

AN ACT

To amend and reenact Section 40-3302 of the North Dakota Revised Code of 1943, relating to the establishment, construction and improvement of municipal utilities, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-3302 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

40-3302. ACQUIRING, ERECTING, OR IMPROVING PLANT, SYSTEM, OR LINE WITHOUT ELECTION PROHIBITED; EXCEPTION.] No municipal officers shall purchase, erect, nor substantially enlarge, improve, or extend an existing plant, nor

lease from others any plant, system or line provided for in Section 40-3301, unless the proposition shall have been submitted by a resolution of the governing body to the qualified electors of the municipality at an annual or special election called, held and conducted upon the notice and in the manner specified by this title for the election of the governing body of the municipality, and shall have been approved by a majority of the electors voting thereon. If, however, the cost of any enlargement, improvement, or extension will be paid out of the earnings of the plant and the cost does not exceed the sum of five thousand dollars, or if eighty per centum (80%) or more of the cost of any waterworks, mains, water system and equipment or appliances therefore is to be paid by special assessments or by the earnings of the plant or by both it shall be unnecessary to submit the proposition to the electors of the municipality; or in order to provide for a greater and more adequate water supply to meet the needs of the municipality for domestic use, for fire protection, or for sanitation and sewage disposal, regardless of cost the governing body thereof may by resolution provide for the needed improvement and facilities in cooperation with the state or federal government, or any agency thereof, without an election, provided funds for such cooperation or for defraying the entire cost thereof are available in the municipal utilities fund as defined by Section 40-3310 of the North Dakota Revised Code of 1943.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1947.

CHAPTER 281

H. B. 189—(Brady, Fleck and Smart)

ENACTMENT OF ORDINANCES, POWERS OF MUNICIPALITIES

AN ACT

To amend and reenact Subsection 1 of Section 40-0501 of the North Dakota Revised Code of 1943 relating to powers of municipalities in the enactment of ordinances.

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

§ 1. AMENDMENT.] That Subsection 1 of Section 40-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. ORDINANCES.] To enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such municipality or as the general welfare of the municipality may require, and to repeal, alter, or amend the same. The governing body of a municipality may adopt by ordinance the conditions, provisions, and terms of a building code, a fire prevention code, a plumbing code, an electrical code, a sanitary code, or any other standard code which contains rules and regulations printed as a code in book or pamphlet form by reference to such code or portions thereof alone without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code or portion thereof shall have been incorporated by reference into any ordinance as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. A copy of such standard code or portion thereof shall be filed for use and examination by the public in the office of the city auditor or village clerk of such municipality prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such copy of such standard code so filed shall at all times be kept current in the office of the city auditor or village clerk of such municipality. The adoption of any such code or codes heretofore by any municipality is hereby validated. Fines, penalties, and forfeitures for the violation

thereof may be provided within the limits specified in this chapter notwithstanding that such offense may be punishable also as a public offense under the laws of this state.

Approved March 15, 1947.

CHAPTER 282

H. B. No. 173—(Brickner, Yirchott)

PARK COMMISSIONS—YEA AND NAY VOTE WHEN; LETTING CONTRACTS; DEBT LIMIT; BILLS, CLAIMS AND DEMANDS

AN ACT

To amend and reenact Section 40-4914 of the North Dakota Revised Code of 1943, providing for when a ye and nay vote shall be taken by park commissions, the letting of contracts by park commissions, the debt limit and bills, claims, and demands against park districts and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-4914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4914. YEA AND NAY VOTE TAKEN WHEN; LETTING CONTRACTS; DEBT LIMIT: BILLS, CLAIMS, AND DEMANDS AGAINST COMMISSION.] Yea and nay votes shall be taken on all propositions involving the expenditure of money levying of taxes or the issuance of bonds or certificates of indebtedness. All contracts shall be let to the lowest responsible bidder after advertisement in the official newspaper of the municipality once each week for three successive weeks. The board may reject any or all bids. All contracts shall be in writing and shall be signed by the president and clerk of the board and unless so executed, they shall be void. The debt of a park district shall not exceed one percent of the taxable property within the district according to the last preceding assessment. No bill, claim, account, or demand against the district shall be audited, allowed, or paid until a full, written, itemized statement thereof shall be filed with the board with a certificate 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 purposes therein stated; that the services therein charged were actually rendered and of the value therein charged; and 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.

§ 2. EMERGENCY.] Whereas the law now in effect is not certain as to the form of verification required for claims and accounts against park districts and it is desirable that a definite and uniform method of verification be established as soon as possible, therefore, this Act is declared to be an emergency measure and the same shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 283

H. B. No. 42

(Langley and Legislative Research Committee at the
request of Minot Recreation Association)

ESTABLISHMENT PUBLIC RECREATION SYSTEM
AN ACT

Authorizing cities, incorporated towns, villages and townships, park districts, and school districts to establish, maintain and operate systems of public recreation and to acquire, establish, conduct and maintain community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities and services; providing these may be established as memorials; to appropriate general municipal, park, or school funds therefor; to bond and levy a special tax therefor; defining the powers of such cities, incorporated towns and villages and townships, park districts and school districts in connection with all such matters; providing for the creation of a recreation board or commission, the election and terms of the members thereof, and the powers thereof; and declaring an emergency.

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

§ 1. DEFINITIONS.] The term "governing body" as herein used means city council, board of trustees or commissioners of any city, incorporated town or village, township, the trustees of any school district and the commissioners of any part district in North Dakota. The term "municipality" as used in this Act refers to and means any city, incorporated town or villages, townships, in North Dakota.

§ 2. MUNICIPALITY, SCHOOL AND PARK DISTRICT MAY DEDICATE, SET APART, ACQUIRE, LEASE AND MAINTAIN RECREATION CENTERS; APPROPRIATION.] The governing body of any municipality, park district, or school district may dedicate and set apart for use as playgrounds, recreation centers, and other recreation or character building purposes and community centers, lands or buildings, or both, owned or leased by such municipality, school district, or park district, and not dedicated or devoted to another, inconsistent public use; and such municipality, school district, or park district, in such manner as may now or hereafter be authorized or provided by law for the acquisition of lands or buildings for public purposes by such municipality school district, or park district, may acquire or lease lands or buildings, or both, within or beyond the corporate limits of such municipality, school district, or park district, for community centers, playgrounds, recreation centers or other recreational and character building purposes and when the governing body of such municipality, school district, or park district, so dedicates, sets apart, acquires or leases lands or buildings for such purposes, on

its own initiative, it may provide for their conduct, equipment and maintenance according to the provisions of this Act, by making an appropriation from the general municipal, school district, or park district funds.

§ 3. PROVIDING AND MAINTAINING RECREATIONAL FACILITIES MAY BE VESTED IN AN EXISTING BODY; POWERS OF BODY.] The governing body of any municipality, school district, or park district may establish a system of public recreation and it may vest the power to provide, maintain and conduct playgrounds, community centers, recreation centers, and other recreational and character building areas, structures, facilities, and activities in any existing municipal body, in the school district, in the park district, or in a recreation board or commission, as the governing body may determine. Any board, commission or other body so designated shall have the authority to maintain and conduct community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities, and activities, and for the purpose of carrying out the provisions of this Act it may employ play leaders, playground and recreation center directors, supervisors, recreation superintendents and such other employees as they deem proper.

§ 4. MUNICIPALITIES, SCHOOL OR PARK DISTRICTS MAY PROVIDE AND ESTABLISH JOINT RECREATION CENTERS AND FACILITIES.] Any two or more municipalities, school districts, or park districts, jointly, may provide, establish, maintain and conduct a public recreation system, and acquire property therefor, and establish and maintain community centers, playgrounds, recreation centers and other recreational and character building areas, structures, facilities and activities.

§ 5. BONDS MAY BE ISSUED PROVIDING FOR SUCH FACILITIES.] The governing body of any municipality, school district, or park district, pursuant to law, may provide that the bonds of such municipality, school district, or park district may be issued in the manner provided by law for the issuance of bonds for other purposes, for the purpose of acquiring lands or buildings for community centers, playgrounds, recreation centers and other recreational and character building purposes and for the equipment thereof.

§ 6. ESTABLISHING RECREATION BOARD OR COMMISSION; MEMBER OF; TERMS; VACANCY; COMPENSATION.] If the governing body of any municipality, school district or park district determined that the power to provide, establish, conduct and maintain a public recreation system shall be exercised by a recreation board or commission, such governing body shall by resolution or ordinance establish in such municipality a recreation board or commission which shall possess all the

powers and be subject to all the responsibilities of the local authorities under this Act. Such recreation board or commission when established shall consist of at least five but not more than nine persons, as the governing body may determine, to be appointed by the mayor or presiding officer of such municipality, with the consent of the governing body. One member of such recreation board or commission shall be chosen from the legal membership of the park district board, or board of park commissioners of the municipality, and one member of the legal membership of the school district board or boards within the corporate limits of such municipality. The term of office of all members of such recreation board or commission shall be for three years except that the members of such recreation board or commission first appointed shall be for staggered terms so that the terms of at least one but not more than three members expire annually. If a vacancy occurs during the term of office of any member, the mayor or presiding officer, with the consent of the governing body, shall appoint a successor to serve for the unexpired term. Membership on such recreation board or commission shall be without compensation or remuneration.

§ 7. GOVERNING BODY, BOARD, OR COMMISSION MAY ACCEPT GRANTS OF REAL ESTATE AND MONEY; CONDITIONS.] The governing body of a municipality, school district, or park district, recreation board or commission or other authority in which is vested the power to provide, establish, maintain and conduct such supervised recreation system may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or recreation purposes, but if the acceptance thereof for such purposes will subject such municipality, school district or park district, to additional expense for improvement, maintenance or removal, the acceptance of any grant or devise of real estate shall always be subject to the approval of the governing body of such municipality, school district or park district. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest shall be deposited with the treasurer of such municipality to the account of the recreation board or commission or other body having charge of such work, and the same may be withdrawn and paid out by such body in the same manner as money appropriated for recreation purposes.

§ 8. ELECTION TO DETERMINE DESIRABILITY OF ESTABLISHING RECREATION SYSTEM; HOW CALLED.] The governing body of any municipality, school district, of park district to which this Act is applicable, may and upon receipt of a petition signed by at least ten qualified voters but not less

than five per cent of those citizens who voted at the last general election of the municipality, school district, or park district, shall submit to the electors the question of the establishment, maintenance, and a conduct of a public recreation system, and the levying of an annual tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each dollar of assessed valuation of all taxable property within the corporate limits or boundaries of such municipality, school district or park district, to be voted upon at the next general election or special municipal election, provided, however, that such questions shall not be voted upon at the next general election unless such action of the governing body shall be taken, or such petition to submit such question shall be filed thirty days prior to the date of such election.

§ 9. FAVORABLE VOTE AT ELECTION; PROCEDURE.] Upon the adoption of such a proposition at an election by a majority of the votes cast upon such proposition, the governing body of such municipality, school district, or park district, by resolution or ordinance, shall provide for the establishment, maintenance, conduct of a public recreation system, and thereafter levy and collect annually a tax of not more than two and five-tenths mills on each dollar of all taxable property within the corporate limits or boundaries of such municipality, school district or park district, such tax to be in addition to the maximum of taxes permitted to be levied in such municipality, school district, or park district. The governing body of such municipality, school district, or park district, shall continue to levy such tax annually for public recreation purposes until such time as the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. The governing body of such municipality, school district, or park district, in its discretion, may appropriate additional funds for the operation of the public recreation system if in the opinion of the governing body additional funds are needed for the efficient operation thereof. Nothing in this Section of this Act shall be construed to limit the power of any municipality, school district, or park district to appropriate on its own initiated general municipal, school district, or park district tax funds for the operation of a public recreation system, a community center or character building facility.

§ 10. PUBLIC RECREATION UNDER THIS ACT DEEMED GOVERNMENTAL SUBDIVISION FUNCTION.] The provision, conduct, operation, and maintenance of a system of public recreation under the provisions of this Act shall be a governmental function of municipalities, school districts, or park districts.

§ 11. RECREATION CENTERS OR SYSTEMS MAY BE ESTABLISHED AS MEMORIALS.] The community centers, playgrounds, recreational centers and systems, or any recreational or character building facility provided for herein, may be erected or established as memorials in commemoration of the men and women of the locality who lost their lives in the service of their country during World War II and in gratitude to all who served in the armed forces. In such cases the names of those so remembered shall be preserved in some manner in connection with the memorial.

§ 12. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 284

S. B. No. 277—(Morgan and O'Brien)

At the request of the State Water Conservation Commission

ESTABLISHMENT OF FEDERAL OR STATE PUBLIC WORKS PROJECT BY MUNICIPALITIES

AN ACT

To amend and reenact subsection 59 of section 40-0501 of the North Dakota Revised Code of 1943, relating to the powers of municipalities to accept aid from and cooperate with any federal or state agency in the establishment, construction and maintenance of public works projects, and declaring an emergency.

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

§ 1. AMENDMENT.] That subsection 59 of section 40-0501 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

40-0501.

59. Public Works Project. To accept aid from, cooperate and contract with, and to comply with and meet the requirements of any federal or state agency for the establishment, construction and maintenance of public works, including dams and reservoirs for municipal water supply, for water conservation, for flood control, for the prevention of stream pollution, or

for sewage disposal; and in furtherance thereof to acquire by purchase, lease, gift or condemnation the necessary lands, rights-of-way and easements for such projects, and to transfer and convey to the state or federal government, or any agency thereof, such lands, rights-of-way and easements in consideration of the establishment and construction of, and the public benefits which will be derived from any such project.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 285

H. B. No. 122

(Smart, Baker, Benno, Brickner, Culver, Fleck, Haugland and Sticka)

SPECIAL ASSESSMENTS BY SPECIAL ASSESSMENT COMMISSION AN ACT

To amend and reenact Section 40-2307 of the North Dakota Revised Code of 1943; relating to regulations governing determination of special assessments by special assessment commissions, authorizing assessments against property owned by counties, cities, villages, school districts, park districts, and townships, and validating such assessments heretofore made; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 40-2307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2307. REGULATIONS GOVERNING DETERMINATION OF SPECIAL ASSESSMENTS BY COMMISSION: UNITED STATES GOVERNMENT LAND EXEMPT FROM ASSESSMENTS; POLITICAL SUBDIVISIONS NOT EXEMPT.] Whenever the commission is required to make any special assessment under the provisions of this chapter, the members thereof personally shall inspect any and all lots and parcels of land which may be subject to such special assessment and shall determine from such inspection the particular lots and parcels of land which, in the opinion of the commission, will be especially benefited by the construction of the work for which the assessment

is to be made. The commission shall determine the amount in which each of the lots and parcels of land will be especially benefited by the construction of the work for which such special assessment is to be made, and shall assess against each of such lots and parcels of land such sum, not exceeding the benefits, as shall be necessary to pay its just proportion of the total cost of such work, or of the part thereof which is to be paid by special assessment, including all expenses incurred in making such assessment and publishing necessary notices with reference thereto and the per diem of the commission. Property belonging to the government of the United States shall be exempt from such assessment. Benefited property belonging to counties, cities, villages, school districts, park districts, and townships, shall not be exempt from such assessment, and such public corporations whose property is so assessed shall provide for the payment of such assessments, installments thereof and interest thereon, by the levy of taxes according to law. Nothing in this section shall be deemed to amend other provisions of law with reference to the levy of assessments on property sold for delinquent taxes.

§ 2. VALIDATION OF PRIOR ASSESSMENTS.] In all cases where assessments have been made under the conditions provided by Section 40-2307 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 hereof, such assessments are hereby legalized and validated.

§ 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 3, 1947.

CHAPTER 286

H. B. No. 208

(Fleck, Graham, Johnson of Cass and Saumur)

**SPECIAL ASSESSMENT IMPROVEMENTS EXPENSES, POWERS
MUNICIPALITIES****AN ACT**

To amend and reenact section 40-2201 of the North Dakota Revised Code of 1943 relating to the power of municipalities to defray expense of improvements by special assessment, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 40-2201 of 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 ASSESSMENT.] 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.

§ 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, 1947.

CHAPTER 287

S. B. No. 207—(Day)

REFUNDING CALLABLE FUNDING BONDS OR REFUNDING SPECIAL ASSESSMENT WARRANTS

AN ACT

To permit the refunding of callable funding bonds or refunding special assessment warrants issued under the provisions of chapter 40-27 of the North Dakota Revised Code of 1943.

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

§ 1. Any municipality may refund, according to the procedure set forth in chapter 40-27 of the North Dakota Revised Code of 1943, any funding bonds or refunding warrants issued under the provisions of said chapter, which are callable prior to maturity or which shall be surrendered voluntarily for refunding, by the issuance of warrants or bonds upon the same terms and conditions except as to interest, whenever by so doing a saving in interest can be affected.

Approved March 20, 1947.

CHAPTER 288

H. B. No. 1

(Langley and Legislative Research Committee at the request of Bank of North Dakota)

TAX LEVY FOR DEFICIENCIES IN SPECIAL IMPROVEMENT
ASSESSMENTS

AN ACT

Amending and reenacting Section 40-2608 of the North Dakota Revised Code of 1943 relating to tax levy to pay deficiencies in special improvement assessments, repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 40-2608 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

40-2608. MUNICIPALITY LIABLE GENERALLY FOR DEFICIENCIES IN SPECIAL ASSESSMENT FUND.] Whenever all special assessments collected for a special improvement are insufficient to pay the special improvement warrants issued against such improvement, with interest, the governing body, upon the maturity of the last special assessment warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last special assessment warrant a deficiency exists in such special improvement fund, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such special improvement fund, it shall be paid over or transferred to the general fund of the municipality.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1947.

CHAPTER 289

S. B. No. 210—(Foss, Rue, and Sandness)

SURPLUS MUNICIPAL UTILITIES FUND TRANSFERS TO GENERAL
OR OTHER FUND

AN ACT

To amend and reenact subsection 2 of section 40-3312 of the North Dakota Revised Code of 1943 relating to surplus in municipal utilities fund, and declaring an emergency.

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

§ 1. AMENDMENT.] That subsection 2 of section 40-3312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3312.

2. The governing body, at any time during the fiscal year or at various times during the year, may divert and transfer from the surplus in the fund to the general fund of the municipality or to any other fund of the municipality a total sum of not more than twenty per cent of the gross receipts of the municipal utilities for the fiscal year of the municipality during which the transfer or transfers are made.

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

Approved March 20, 1947.

CHAPTER 290
H. B. No. 168
(Klefstad and Saller)

VILLAGE MARSHAL APPOINTMENT BY TRUSTEES

AN ACT

Providing for the appointment of marshal by the board of trustees of an incorporated village, and declaring an emergency.

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

§ 1. **APPOINTMENT OF VILLAGE MARSHAL AUTHORIZED.]** The board of trustees of any incorporated village of the State of North Dakota is hereby authorized and empowered to appoint a village marshal, and additional police officers, when deemed necessary to the preservation of the peace of the village, and are hereby authorized and empowered to fix the compensation of such officers. Any officer so appointed, shall qualify by taking oath of office and shall possess all the powers and perform all the duties now provided by law and village regulations

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

Approved March 10, 1947.

CHAPTER 291

H. B. No. 167—(Klefstad and Saller)

VILLAGE OFFICERS, WHEN ELECTED—COMBINING OFFICES

AN ACT

To amend and reenact Section 40-0708 of the North Dakota Revised Code of 1943 relating to officers of village; when elected; combining offices, and declaring an emergency.

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

§ 1. **AMENDMENT.** That Section 40-0708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0708. OFFICERS OF VILLAGE: WHEN ELECTED: COMBINING OFFICES.] A village clerk, assessor, treasurer, and justice of the peace shall be elected at the first village election after incorporation and annually thereafter, and shall hold their respective offices until the third Tuesday in March following, or until their successors are elected and qualified. Any two or more of such offices may be held by one and the same person.

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

Approved March 10, 1947.

CHAPTER 292

H. B. No. 165
(Brady, Fleck and Smart)

REGISTRATION OF VOTERS IN MUNICIPALITIES

AN ACT

To amend and reenact section 40-2110 of the North Dakota Revised Code of 1943 providing for the registration of voters in municipalities.

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

§ 1. AMENDMENT.] Section 40-2110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2110. REGISTRATION OF VOTERS IN MUNICIPALITIES.] In municipalities containing fifteen hundred or more inhabitants according to the last state or federal census, the governing body of the municipality shall provide for the registration of all voters. Such registration may be carried out by the board of registration of each election precinct in the manner required by Chapter 16-02 of the North Dakota Revised Code of 1943 or in lieu thereof the governing body of the municipality may provide for the registration of voters at one central polling place and shall designate a registration board for such purpose. Separate registration lists shall be provided and kept for each precinct in cities wherein the voters are registered. In municipalities where the registration of voters is not required by the laws of this state, the

governing body of the municipality may require the registration of voters at one polling place.

Approved March 7, 1947.

OCCUPATIONS AND PROFESSIONS

CHAPTER 293

H. B. No. 39

(Langley and Research Committee at request of Board of Barber Examiners)

APPRENTICE BARBER REGISTRATION

AN ACT

To amend and reenact Section 43-0422 of the North Dakota Revised Code of 1943, regulating apprentice barbers, providing certificates of registration required and defining the powers of an apprentice barber.

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

§ 1. AMENDMENT.] That Section 43-0422 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0422. APPRENTICE BARBER: CERTIFICATE OF REGISTRATION REQUIRED: POWERS OF.] A person may not serve as an apprentice barber unless he:

1. Has a certificate of registration and is registered as an apprentice or has a permit to work as an apprentice barber; and
2. Is under the immediate supervision of a registered barber.

The certificate of registration of an apprentice, as required in Subsection 1 of this section, shall be annulled three years after the person first makes his application as an apprentice. An apprentice barber may do any or all of the acts constituting the practice of barbering. Not more than one apprentice shall be employed in any one barber shop,

Approved February 20, 1947.

CHAPTER 294

H. B. No. 37

(Langley and Legislative Research Committee at request of board of Barber Examiners)

STATE BARBER BOARD MEMBER COMPENSATION AND MILEAGE**AN ACT**

To amend and reenact Section 43-0407 of the North Dakota Revised Code of 1943, pertaining to the members of the State Barber Board and providing for compensation and mileage.

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

§ 1. AMENDMENT.] That Section 43-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0407. COMPENSATION; MILEAGE; HOW PAID.] Each member of said board shall receive eight dollars per day for actual services and shall also be paid their actual expenses as provided by law incurred in attending said meetings and in the performance of their official duties. All compensation shall be paid out of any money in the hands of the treasurer of said board as such.

Approved March 14, 1947.

CHAPTER 295

H. B. No. 38

(Langley and Legislative Research Committee at request of Board of Barber Examiners)

BARBERSHOP OWNER ESTABLISHMENT FEE**AN ACT**

To amend and reenact Subsection 10 of Section 43-0442 of the North Dakota Revised Code of 1943, providing for miscellaneous fees in connection with the administration of the barber laws.

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

§ 1. AMENDMENT.] That Subsection 10 of Section 43-0442 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0442. FEES.]

10. Annual establishment fees to be paid by each shop owner in advance, two dollars for the first barber chair and one dollar for each additional barber chair which is in use one month or more in any one year.

Approved March 14, 1947.

CHAPTER 296

H. B. No. 127
(Stair, Fugelstad and Falconer)

ESTABLISHMENT, ETC., CHIROPRACTIC HOSPITALS

AN ACT

Providing that no person, partnership, association or corporation, shall establish, conduct or maintain in the State of North Dakota any Chiropractic Hospital, Sanatorium or other related institution for the hospitalization and/or care of the sick or injured without first obtaining a license therefor; providing a penalty for violation and repealing all other acts in conflict herewith.

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

§ 1. CHIROPRACTIC HOSPITALS MUST OBTAIN LICENSES.]
No person, partnership, association or corporation, shall establish, conduct or maintain in the State of North Dakota a Chiropractic Hospital, Sanatorium or related institution for the hospitalization and care of the sick or injured without first obtaining a license in the manner hereinafter provided.

Chiropractic Hospitals, Sanatorium, or other related institutions within the meaning of this act, shall mean any institution, place building agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured, by Chiropractic methods.

Hospitalization within the meaning of this Act, is defined as the reception and care of any person for a continued period longer than twenty-four hours, for the purpose of giving advice, diagnosis or treatment bearing on the physical or mental health of such persons. Nothing in this act shall apply to hotels or other similar places that furnish only board or room, or either, to their guests. Nothing in this act shall authorize any person, partnership, association or corporation to engage in the practice of the healing art, or the practice of Chiropractic as defined by law.

§ 2. EXISTING HOSPITALS, ETCETERA, TO OBTAIN LICENSES.] No person, partnership, association or corporation may continue to operate an existing Chiropractic hospital, sanatorium or related institution, or open a Chiropractic hospital, sanatorium or related institution, after January 1, 1948, unless such operation shall have been approved by the National Council of Chiropractic Hospitals and Sanatoriums, and regularly licensed by the State Board of Chiropractic Examiners as provided hereinafter. Before a license shall be issued under this act, the person applying shall submit evidence satisfactory to the Chiropractic Board of Examiners that he is not less than twenty-one years of age and of reputable and responsible character; in the event the applicant is an association or corporation, like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall in addition, submit satisfactory evidence of their ability to comply with the minimum standards of this act and all regulations adopted thereunder.

§ 3. APPLICATION FOR LICENSES.] Any person, partnership, association or corporation desiring a license hereunder shall file with the state Chiropractic Board of Examiners a verified application containing the name of the applicant desiring the license; whether such person so applying is twenty-one years of age; the type of institution to be operated; the location thereof; the name of the person (persons) in charge thereof, and if they have met the minimum standards set by the National Council of Chiropractic Hospitals and sanatoriums and such other information as the State Board of Chiropractic Examiners may require. Application on behalf of corporation or association shall be made by any two officers thereof or by its managing agents.

§ 4. FEES.] The application for a license to operate a Chiropractic hospital, sanatorium or related institution within the meaning of this act shall be accompanied by a fee of \$5.00. No such fee shall be refunded. All such licenses issued by the North Dakota State Chiropractic Board of Examiners under this act shall expire on the thirty-first day of December each year after this act takes effect, shall be on a form prescribed by said department, shall not be transferred, or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation by the State Chiropractic Board of Examiners and payment of a license fee, as in the case of procurement of an original license.

§ 5. INSPECTIONS.] Every building, institution or establishment for which a license has been issued under this

act, shall be periodically inspected by sanitary Engineers and firemen who shall report as to safety of the institution to the State Chiropractic Board of Examiners which Board shall also inspect the institution under the rules and regulation to be established by said Board of Examiners. No institution of any kind licensed pursuant to the provisions of this act shall be required to be licensed or inspected under the laws of this State relating to hotels, restaurants or lodging houses.

§ 6. STATE CHIROPRACTIC BOARD OF EXAMINERS TO ISSUE LICENSES.] The State Chiropractic Board of Examiners is hereby authorized to issue licenses to operate Chiropractic hospitals and Sanatoriums or other related institutions as herein defined, which, after inspection are to comply with the provisions of this act, and any regulations adopted by said State Board of Examiners. All decisions of this Board may be reviewed in the District Court in the county in which such institution is located or contemplated. The State Board of Chiropractic Examiners is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds. (1) Violation of any of the provisions of this act or the rules and regulations issued pursuant thereto. (2) Permitting, aiding or abetting the commission of any illegal act in such institution. (3) Conduct or practices detrimental to the welfare of the patient of said institution. Provided that before any such license issued hereunder is suspended or revoked, thirty days written notice shall be given the holder thereof the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of said complaint and be entitled to be represented by legal counsel at such hearing. Such notice shall be given by the State Board of Chiropractic Examiners by registered mail. If a license is revoked as herein provided, a new application for license may be considered by the State Chiropractic Board of Examiners when, and after, the conditions upon which revocation was based, have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of this act and rules and regulations hereunder as heretofore and hereinafter provided have been complied with.

§ 7. STANDARDS ESTABLISHED.] The State Chiropractic Board of Examiners shall have the power to establish standards under this act which it finds necessary and in public interests and, in like manner, it may rescind, amend or modify such regulations from time to time as may be in the public interests, insofar as such action is not in conflict with any of the provisions of this act.

§ 8. ESTABLISHMENT OF ADVISORY COMMITTEE.] The Chiropractic Board of Examiners shall request the Governor to appoint an advisory Committee consisting of the Executive Director of the Public Welfare Board, one Chiropractic Hospital Superintendent and one interested in Chiropractic hospitals. One member to serve for three years, one for two, and one to serve for one year from the date of their appointment or until their successors are duly appointed. Following this first appointment, the term of office shall be for three years. This advisory Committee to act in an advisory capacity to the Chiropractic Board of Examiners in dealing with matters pertaining to particular problems of Chiropractic Hospitals and Sanatoriums, and other related institutions.

§ 9. INFORMATION NOT TO BE DISCLOSED.] Information received by the State Board of Chiropractic Examiners through inspections and authorized under this act shall be confidential and shall not be disclosed except in a proceeding involving the question of licensure.

§ 10. VIOLATIONS PENALTIES.] Any person, partnership, association or corporation, establishing, conducting, managing or operating any Chiropractic hospital or sanatorium within the meaning of this act, without first obtaining a license therefor as herein provided, or who shall violate any provision of this act or regulation thereunder, shall be guilty of misdemeanor, and upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars (\$100.) and a like amount for any subsequent offense.

§ 11. ACCEPTANCE OF FEDERAL FUNDS SUPPLIES AND EQUIPMENT FOR CHIROPRACTIC HOSPITALS.] The State Board of Chiropractic Examiners is hereby authorized and empowered for, and on behalf of the Chiropractic Profession and their patients in the State of North Dakota to accept any funds or grants through appropriate channels appropriation of the counties of the United States and any supplies and equipment which may be made available to this State for hospital facilities, goods and services.

§ 12. REPEAL.] All acts or parts of acts in conflict herewith are automatically repealed.

§ 13. INVALID SECTIONS.] If any section of this act shall be declared unconstitutional or invalid, this shall not invalidate any other section of this act.

Approved March 15, 1947.

CHAPTER 297

H. B. No. 302

(Fleck, Mollet. Benno, McInnes, Graham)

REGULATING OCCUPATION OF COSMETOLOGY

AN ACT

To amend and reenact sections 43-1101, 43-1106, 43-1116, 43-1117, subsection 1 of section 43-1119, subsection 4 of section 43-1121, subsection 1 of section 43-1126 and section 43-1127 of the North Dakota Revised Code of 1943, relating to the occupation of cosmetology; providing for the registration of cosmetologists; fixing of compensation of members of board and secretary; providing for the conduct and registration of schools and shops for cosmetology and prescribing their qualifications; providing for the registration of students; providing for the licensing of manager-operators, instructors, student operators and demonstrators and prescribing their qualifications; defining terms and repealing all Acts and parts of Acts in conflict herewith.

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

§. AMENDMENT.] That Section 43-1101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1101. DEFINITIONS.] In this chapter, unless the context or subject matter thereof otherwise requires:

1. "Cosmetology" as used in this Act is hereby defined and construed to mean any one and/or combination of practices generally and usually heretofore and hereafter performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdresser, or of any other person holding him or herself out as practicing cosmetology by whatever designation and within the meaning of this Act and in and upon whatever place or premises; and in particular cosmetology shall be defined and shall include—but otherwise not be limited thereby—the following or any one or a combination of practices, to-wit: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

2. "Student" shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this Act.
3. "Operator" shall mean a person, not a student, who is licensed under the provisions of this chapter to engage in and follow any of the practices of a hairdresser or cosmetologist;
4. "Hairdresser and cosmetologist shop" shall include that part of any building wherein the occupation of a hairdresser or cosmetologist is practiced;
5. "Student Instructor" shall mean a cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.
6. "Instructor" shall mean any person of the age of twenty-one years or more, who is a cosmetologist and who teaches cosmetology or any practices taught in a duly registered school of cosmetology.
7. "Manager-Operator" shall mean any person of the age of twenty-one years or more who has been a licensed cosmetologist for at least one year and who manages or conducts a beauty shop.
8. "Board" shall mean the state board of hairdressers and cosmetologists.
9. "Demonstrator" shall mean any person who possesses the qualifications of a cosmetologist but who limits his practice to the performing of cosmetological operations upon persons provided for the purpose of being subjects or models upon whom demonstrations are to be performed before groups of students, operators, managers, instructors or demonstrators as defined in this section or shopowners or school owners.

§ 2. AMENDMENT.] That Section 43-1106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1106. COMPENSATION OF MEMBERS OF BOARD; HOW PAID.] Each member of the board shall receive ten dollars for each day employed in the actual discharge of her duties and her necessary expenses so incurred. The secretary of the

board shall receive an annual salary of not more than two thousand four hundred dollars, to be fixed by the board, and her necessary expenses actually incurred in the performance of her official duties. The compensation and expenses of all members of the board shall be paid from the fund in the state treasury to the use of the board on requisition signed by the president and the secretary of the board and the warrant of the state auditor.

§ 3. AMENDMENT.] That Section 43-1116 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1116. REGISTERED SCHOOLS; QUALIFICATIONS FOR REGISTRATION.] A certificate of registration shall be granted to a school for hairdressers and cosmetologists upon an application to the board and the payment of the annual registration fee, if the school:

1. Is operated and maintained in premises entirely distinct and permanently separated from any hairdressing, beauty, or cosmetologist shop;
2. No school of cosmetology shall be granted a certificate of registration unless it shall require one thousand fifty hours of training and instruction in cosmetology, and unless it shall attach to its staff as a lecturer and consultant a person licensed by this state to practice an unlimited or limited branch of medicine and employ and maintain a sufficient number of competent instructors, at least one for each twenty-five students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours to include practical demonstrations and theoretical studies and studies in sanitation, sterilization and other safety measures and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof as provided in this Act. Any such school that shall enroll student instructors shall set up an adequate course of training as such, with the approval of the board and shall not have at any one time more than one such student instructor for each licensed instructor actively engaged in such school.

§4. AMENDMENT.] That Section 43-1117 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1117. CERTIFICATE OF REGISTRATION ISSUED FOR SCHOOL OF HAIRDRESSING, COSMETOLOGY AND SHOPS; FEE FOR ANNUAL REGISTRATION.] The board may issue an annual certificate of registration for a school giving instruction in hairdressing and cosmetology. The annual registration fee for such school shall be determined annually by the board but shall not exceed the sum of one hundred dollars. The board may, after inspection and approval, issue a shop registration certificate, the fee for which shall not exceed three dollars, but shops duly registered prior to July 1, 1947, shall not be required to register until December 31, 1947.

§ 5. AMENDMENT.] That Subsection 1 of Section 43-1119 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

1. Be at least seventeen years of age

§ 6. AMENDMENT.] That Subsection 4 of Section 43-1121 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

4. Satisfactory proof that the applicant has the required training in a registered school which shall not be less than one thousand two hundred fifty hours for hairdressers and cosmetologists.

§ 7. AMENDMENT.] That Subsection 1 of Section 43-1126 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

1. Furnishes to the board evidence that she has practiced as a licensed operator in this state for at least one year; and has attained the age of twenty-one years.

§ 8. AMENDMENT.] That Section 43-1127 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1127. INSTRUCTOR'S LICENSE; REGISTRATION; QUALIFICATIONS.]

1. No person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall furnish the board evidence that she has attained the age of twenty-one years; that she has a general education equivalent to the completion of four years in high school and shall pay the original

instructor's license fee of ten dollars and shall hold a license as a cosmetologist issued pursuant to Section 43-1121 hereof, and in addition:

- (a) Shall have at least six months teacher's training course in cosmetology in a registered school of cosmetology. In no event shall more than nine months teacher's training be required for admission to examination; or
 - (b) Shall have at least one year's experience as an active practicing cosmetologist, supplemented by not less than three months teacher's training in cosmetology in a registered school of cosmetology. In no event shall more than five months teacher's training be requisite for admission for examination; or,
 - (c) Shall possess a current license as a cosmetologist and shall have been actively engaged in the practice of cosmetology for at least five years immediately prior to such person's application for an instructor's license. No instructor or student instructor shall be permitted to practice cosmetology on a patron other than that part of practical work which shall pertain directly to the teaching of practical operations to students.
2. Student instructors in cosmetology shall be registered as such without fee upon enrollment in a registered school of cosmetology and upon certification by such school to the board of the name, age and qualifications of said student instructor which shall be recorded in a register kept for that purpose. A student instructor shall, at the time of enrollment, possess a general education equivalent to the completion of four years in high school and hold a license as a cosmetologist. Upon completion of the course prescribed for student instructors, said student instructor shall make application on a form provided by the board and pay a fee of ten dollars; such board shall thereupon cause such applicant to be examined for an instructor's certificate; such examination to be given by a special examining committee comprised of the board, assisted by one designated by the board, who shall possess at least the minimum qualifications entitling him to instruct in an institution of higher learning and who shall examine the applicant in teaching procedures only. Upon successfully passing said examination the board shall issue an instructor's certificate to the applicant.

3. No person may be licensed as a demonstrator unless such person shall be a licensed cosmetologist or shall file proof with the board that he has continuously practiced in another state as a cosmetologist for a period of at least two years prior to the date of the application for license as such demonstrator and shall pay an annual license fee of five dollars.

Approved March 15, 1947.

CHAPTER 298

H. B. No. 228—(Fleck and Falconer)

REGULATING DENTAL HYGIENISTS

AN ACT

Providing for the licensing and regulating of dental hygienist by the North Dakota state board of dental examiners; providing the duties and defining the scope of practice of dental hygienists; providing for the payment of an annual registration fee and for revocation and suspension of licenses; and providing for the enforcement of the provisions of this Act and for punishment for violation thereof, and providing a savings clause.

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

§ 1. NAME OF ACT.] This Act shall be known and cited as The Dental Hygienist Act of North Dakota.

§ 2. DENTAL HYGIENISTS, QUALIFICATIONS, EXAMINATIONS, REGISTRATION AND LICENSE.] Any woman of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, who is a graduate of a training school for dental hygienists and approved by the North Dakota state board of dental examiners, or who has for not less than five consecutive years been employed in North Dakota as a dental assistant by a licensed dentist and who makes her application for such license within one year after this act goes into effect, upon payment of twenty dollars, may be examined by said board on the subjects considered essential by it for a dental hygienist. Such examinations shall be conducted by the board of dental examiners. If the applicant, in the opinion of the board, successfully passes said examination, she shall be registered and licensed as a dental hygienist. For such applicants as fail to pass a satisfactory initial examination, subsequent exam-

inations may be had before the board upon payment of a fee of ten dollars for each subsequent examination, but no applicant shall be allowed to take more than three examinations. Applicants for examination shall submit their credentials to said board at least thirty days prior to the examination date, which date shall correspond to the date of examination for applicants for license to practice dentistry in this state.

§ 3. DENTAL HYGIENISTS: EMPLOYMENT OF AND PRACTICE BY.] Any licensed dentist, hospital, public institution or school authorities may employ such licensed dental hygienist. Such hygienist may be employed and operate in the office of a legally licensed dentist, or in any hospital, or in any state or municipal institution, or in public or parochial schools, or under a public board of health in any public clinic authorized by said board. Such hygienists may make x-ray pictures of the teeth and jaws; may clean and polish teeth; may assist in the administration of gas, ether and general anesthesia as applied to dentistry; may make instrumental examination of the teeth for cavities and chart the result of such examination and findings; and may prescribe or apply ordinary mouth washes of soothing character, and apply and use such antiseptic sprays or washes as her employer dentist may direct; but such dental hygienist shall not perform or undertake to perform any other dental operative procedure on the teeth or tissues of the human mouth. She shall not operate in any case except under the direct supervision of a licensed dentist, except that in any public institution, or public or parochial school, she may operate under the general supervision of a licensed dentist. Only one dental hygienist may be employed by any one licensed dentist; in any dental office or establishment in which more than one licensed dentist is practicing his profession, there shall be employed therein no more than one dental hygienist for each licensed and practicing dentist therein.

§ 4. LICENSE RECORDED: FEE.] Every holder of a license as a dental hygienist in this state, within thirty days after its issuance, shall file the same for record in the office of the clerk of the district court in the county where the holder works. If said holder of the license changes the place of her employment to another county, she shall file the license in the office of the clerk of the district court of such county before practicing therein. The clerk's fee for recording such license shall be fifty cents.

§ 5. LICENSES: SUSPENSION; REVOCATION, REFUSAL TO RENEW, AND REINSTATEMENTS.] The board of dental examiners may suspend or revoke, with power to reinstate, or

refuse to renew a dental hygienist's license, upon any one or more of the following grounds:

1. Gross immorality or unprofessional conduct;
2. Failure, neglect, or refusal to renew a license annually;
3. Non-observance or violation of any provision of this Act, or of any board rule or regulation made hereunder;
4. Gross inefficiency in the practice of dental hygiene; and said board shall also have the power to and may suspend or revoke, with power to reinstate, the license of any licensed dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this Act, or who shall knowingly permit any person who is not a licensed dental hygienist to perform any operations or services as such under his supervision.

The procedure to be followed in the case of such suspension, revocation or reinstatements, shall be the same as that prescribed by law in the case of suspension, revocation or reinstatement of a licensed dentist.

§ 6. LICENSE: FEES; DISPLAY.] On or before January first of each year, every licensed dental hygienist shall pay to the board of dental examiners a registration fee of two dollars, and in default of such payment, the board, upon twenty days' notice, may revoke or suspend the license of the hygienist in default. The payment of such fee within such twenty day period, with an additional sum of five dollars, shall excuse the default. The board may collect such fee by suit. Such licensed hygienist must display conspicuously at the place of her employment her annual registration license.

§ 7. DENTAL HYGIENISTS FROM OTHER STATES.] Any dental hygienist duly licensed to practice as such in another state, and who is of good moral character and is desirous of removing to this state, and deposits with the board of dental examiners a license from the examining board of the state in which she is licensed, certifying to the fact of her being licensed, and a letter from the secretary of the state dental association, or the secretary of the state dental hygienists association or organization, of such state, certifying that she is of good moral character and professional attainments, may upon the payment of a fee of twenty-five dollars, in the discretion of the board, and upon the satisfactory passing of such

examinations as the said board shall deem necessary and proper, be granted a license to practice in this state.

§ 8. UNLAWFUL TO EMPLOY UNLICENSED HYGIENIST: UNLAWFUL TO PRACTICE WITHOUT LICENSE.] From and after the expiration of thirty days following the passage and approval of this Act, it shall be unlawful for any person to practice dental hygiene in the state of North Dakota, without first obtaining from the North Dakota state board of dental examiners a license authorizing such person to practice dental hygiene in this state. From and after the expiration of such thirty days, it shall be unlawful for any person to employ an unlicensed dental hygienist for the performance of any operations or services as such, or permit such unlicensed person to perform any operations or services as such, under his supervision.

§ 9. VIOLATION OF ACT A MISDEMEANOR.] Any person violating any provision of this Act shall be guilty of a misdemeanor, 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 ten days, or by both such fine and imprisonment.

§ 10. STATE BOARD OF DENTAL EXAMINERS: AUTHORITY; DUTY; COMPENSATION.] The North Dakota state board of dental examiners shall have the power and it shall be its duty to enforce the provisions of this Act. And such board shall have the power to make such rules and regulations, not inconsistent with this Act, as may, in its judgment, be necessary for the proper enforcement of this Act, and the examination of dental hygienists for their conduct of practice. Each member of the board shall receive as compensation for his services hereunder, the sum of five dollars for each applicant examined, and such compensation shall be in addition to any compensation received under the provisions of Chapter 43-08 of the 1943 Revised Code of 1943.

§ 11. PRACTICE OF DENTAL HYGIENE SUPPLEMENTAL TO PRACTICE OF DENTISTRY.] The practice of dental hygiene is hereby declared to be supplemental and auxiliary to the practice of dentistry in North Dakota. All particulars, requirements, regulations, control, and provisions of Chapter 43-08 of the North Dakota Revised Code of 1943 and of any subsequent amendments thereto, shall apply with equal force wherein and so far as they may be applicable to the practice of dental hygienists, except as otherwise provided for in this Act.

§ 12. SAVINGS CLAUSE.] This Act shall be deemed to be enacted in the interests of public health, safety and wel-

fare, and its provisions shall be liberally construed to carry out its objects and purposes. If any provision of this Act shall be held to be unconstitutional or unenforceable or invalid, such provisions shall be considered severally from the remainder of this Act although contained in sections containing other provisions and shall be excluded from this Act, and the fact that such provision shall be held to be unconstitutional, invalid or unenforceable, shall in no wise effect any other provision of this Act, although in the same section; the legislative assembly hereby declaring that all sections of this Act or parts thereof are independent sections and parts of sections and that it would have passed the remaining sections of said Act and each provision thereof, notwithstanding the unconstitutionality, invalidity or unenforceability of any other portion thereof.

Approved March 15, 1947.

CHAPTER 299

S. B. No. 39

(Brant for Legislative Research Committee at the request of State Nurses' Association)

REGULATING PRACTICAL NURSES

AN ACT

To provide for the licensing and regulation of practical nurses, providing for training of practical nurses, and prescribing penalties for violation thereof.

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

§ 1. DEFINITIONS.] In this Act unless the context or subject matter otherwise clearly requires:

1. "Practical nurse" shall mean any nursing attendant, auxiliary worker, subsidiary worker, vocational nurse, or any other person who cares for the sick for hire who is not a professional registered nurse; and
2. "State board" or "board" shall mean the North Dakota state board of nurse examiners.

§ 2. PERSONS EXEMPTED FROM THE PROVISIONS OF THE ACT.] The provisions of this Act shall not apply to gratuitous nursing of the sick by friends or members of the family, nor to any practical nurse or person nursing or caring for the sick for hire who does not pretend to be a licensed practical nurse.

§ 3. EXAMINATION REQUIRED; APPLICATION; FEE FOR EXAMINATION: QUALIFICATIONS FOR EXAMINATION.] Any person who desires to be licensed as a practical nurse in this state shall pass the examination given by the board before a license shall be issued to her. Such person shall make an application for licensing to the secretary of the board at least ten days prior to date set for the examination. The applicant shall enclose with her application proof that she possesses the following qualifications:

1. Has reached the age of eighteen years;
2. Is of good moral character;
3. Is in good physical and mental health, and evidence of this fact shall be made by submitting an affidavit made by a licensed physician on forms to be provided by the board;
4. Has at least an eighth grade education, or its equivalent, and such other preliminary qualifications as the board, from time to time, by rule and regulation may prescribe;
5. Has successfully completed an accredited course for the training of licensed practical nurses; and
6. Is a citizen of the United States, or has declared her intention of becoming a citizen.

§ 4. EXAMINATION AND LICENSING OF PRACTICAL NURSES.] The state board shall prescribe rules and regulations not inconsistent with the provisions of this Act for the examination, licensing, and regulation of practical nurses. Written examinations shall be held at least twice in each year, at a time and place to be designated by the state board. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing the examination as prepared by the board, the board shall issue to such applicant a license to practice as a licensed practical nurse.

§ 5. PRACTICAL NURSE MAY RECEIVE LICENSE IN THIS STATE IF LICENSED IN OTHER STATE OR COUNTRY.] The board may issue a license to practice as a licensed practical nurse without examination to any applicant upon the payment of the license fee hereinafter required, when said applicant has been duly licensed as such practical nurse under the laws of another state, territory, or foreign country, if in the opinion of the members of the board, the applicant has qualifications which are at least equivalent to the qualifications required by this Act.

§ 6. PRACTICAL NURSE POSSESSING CERTAIN QUALIFICATIONS MAY RECEIVE LICENSE WITHOUT EXAMINATION.] For the purposes of meeting the need for nursing assistance caused by the present emergency, the board shall have the authority to issue a certificate to practice as a licensed practical nurse without examination, and upon the payment of the license fee hereinafter provided for, provided application for such license shall be made on or before January 1, 1948 to any person who shall submit satisfactory evidence that she:

1. Possesses the qualifications listed in Subsections 1, 2, 3, and 6 of Section 3 of this Act;
2. Has had two or more years of experience in the care of the sick prior to July 1, 1947; and
3. Is a proper person to whom such certificate as a licensed practical nurse might be issued, as is shown by endorsement of one or more reputable physicians duly licensed to practice in this state, and as is further shown by the endorsement or recommendation of one or more registered graduate nurses who is or has been licensed to practice in this state, who have personal knowledge of the applicant's qualifications, and as further shown by affidavit of at least two persons by whom such applicant has been employed in that capacity.

§ 7. FEES; DISPOSITION OF.] Any person making application for a license to practice as a licensed practical nurse under the provisions of the Act shall submit, with such application, a fee of five dollars to the board. All fees received shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the duties imposed upon the board by this Act, and in carrying out the provisions of this Act.

§ 8. RENEWAL OF LICENSE; FAILURE TO RENEW.] The license issued under sections of this Act, must be renewed annually and a fee of one dollar shall be submitted with every application for renewal. Before January 1st of each year, the secretary of the board shall mail to all licensed practical nurses an application form for renewal of license. Such form must be completed and returned to the secretary of the board together with the renewal fee of one dollar on or before the fifteenth of February following. The failure of any licensee to renew her license annually shall suspend the right of such person to practice in this state as a licensed practical nurse. A penalty fee of one dollar, in addition to the renewal fee,

shall be required where the licensee fails to file renewal application within the time provided for in this section.

§ 9. REVOCATION OF LICENSE; HEARING; FURNISHING INFORMATION TO OTHER STATES.] The board may revoke any license issued under the provisions of this Act for gross incompetency, dishonesty, or any other act which shall constitute just cause for such revocation. Such revocation shall be by a majority vote of the entire board after a hearing had on specific charges filed against such licensee, which charges shall be made in writing under oath and filed by the secretary. A certified copy of the charges and a notice of the hearing before the board shall be served on the licensee whose license is sought to be revoked not less than twenty or more than thirty days prior to the hearing on such charges. Upon written request, the board may furnish to the board of nurses examiners of other states, a list of names and addresses of persons whose licenses have been revoked for cause.

§ 10. LICENSING OF PRACTICAL NURSES; USE OF TITLE "LICENSED PRACTICAL NURSE" WITHOUT A LICENSE PROHIBITED.] No person shall practice nursing in this state as a licensed practical nurse unless she holds a license as such issued pursuant to the provisions of this Act. Any person so licensed shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No person shall assume such title or use such abbreviation or any other letter or figure to indicate she is a licensed practical nurse unless she has been licensed as such. The board shall keep a register in which shall be entered the names of all persons to whom licenses are issued under this Act and said register shall at all times be subject to inspection by the public.

§ 11. ACCREDITED INSTRUCTION FOR CONDUCTING TRAINING COURSES FOR PRACTICAL NURSES.] Any institution, under rules and regulations to be adopted by the board, which shall be qualified to conduct a course for training practical nurses, shall apply to the board and submit an application giving evidence that it is prepared to give a course of not less than nine months nor more than twelve months for training practical nurses, and that such institution further is able to meet standards prescribed by statute and the board for the training of practical nurses. A fee of twenty-five dollars shall accompany such application. Upon receipt of such application and fee, the board shall cause a survey of the institution making such application to be made by a qualified representative of such board. Such representative shall submit a written report of his findings to the board. If, in the opinion of the members of the board, the requirements for an accredited course for training practical nurses are met by such institu-

tion, it shall approve the institution as qualified to give an accredited course for training of practical nurses. It shall further be the duty of the board, from time to time, to survey all courses for the training of practical nurses offered within the state. Written reports of such survey shall be submitted to the board. If the board shall determine, as a result of such survey, that any institution heretofore accredited as an institution for training of practical nurses, is not maintaining the standards required by law and by the rules and regulations of the board, notice thereof shall immediately be given to such institution. If requirements of the state board are not complied with within a reasonable time set by the board in such notice, such institution shall be removed from the list of accredited institutions authorized to offer courses for training or practical nurses within this state.

§ 12. PENALTY.] Any person violating any of the provisions of this Act or wilfully making false representations to the board in applying for a license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars or more than twenty-five dollars for the first offense, and by a fine of not more than fifty dollars for each subsequent offense.

Approved March 10, 1947.

CHAPTER 300

S. B. No. 177

(Work, Nordhougen and Rue)

REGULATING PRACTICE OF OPTOMETRY**AN ACT**

To amend and re-enact Sections 43-1302, 43-1313 and 43-1322 of the North Dakota Revised Code of 1943, relative to the practice of optometry, prescribing the powers and duties of the North Dakota State Board of Optometry, making the practice of optometry by licensed optometrists with lay organizations, groups and individuals a ground for revocation of the certificate of registration, prohibiting the practice of optometry by any person, corporation, organization, group or individual through the means of engaging the services of licensed optometrists and providing for enforcement of the law by injunction.

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

§ 1. AMENDMENT.] That Section 43-1302 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1302. PERSONS EXEMPT FROM PROVISIONS OF CHAPTER.] The provisions of this chapter shall not apply to the following persons:

1. Persons who sell spectacles, eyeglasses, or other articles of merchandise without attempting to practice optometry;
2. Student practitioners under the immediate and direct supervision of a registered optometrist;
3. Physicians and surgeons authorized to practice medicine in this state, except that the provisions of Section 4 shall remain applicable.

§ 2. AMENDMENT.] That Section 43-1313 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1313. DUTIES OF BOARD.] The board shall have the following duties:

1. To enforce the provisions and carry out the purposes of this chapter;
2. To make and enforce such rules and regulations not inconsistent with law as may be necessary for the proper performance of its duties, the effective en-

forcement of this chapter, and the reasonable regulation of the profession of optometry and the practice thereof by persons licensed under this chapter;

3. To proceed in the courts of this state by injunction when considered necessary to restrain any violation of this chapter

§ 3. AMENDMENT.] That Section 43-1322 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1322. CERTIFICATE OF REGISTRATION: WHEN REVOKED.] The board may revoke any certificate of registration granted by it under the provisions of this chapter when it appears to the satisfaction of the majority of the members that the holder of the certificate:

1. Has been convicted of a felony or of a violation of any provisions of this chapter;
2. Is an habitual drunkard;
3. Has been addicted to the excessive use of intoxicating liquor or narcotic drugs for at least six months immediately prior to the filing of the charges;
4. Is permanently afflicted with any contagious or infectious disease;
5. Is grossly incompetent to discharge his duties in connection with the practice of optometry;
6. Has employed fraud, deceit, misrepresentation, or fraudulent advertising in the practice of optometry; or
7. Is engaged in the practice of optometry by being directly or indirectly employed by any person other than one who holds a valid unrevoked certificate as an optometrist in this state and who has an actual legal residence within this state.

Any person whose certificate has been revoked may have the same reinstated upon satisfactory proof that the disqualification has ceased or that his disability has been removed.

§ 4. PROHIBITIONS.] It shall be unlawful for any corporation, organization, association, group or individual who is not himself the holder of a certificate to practice optometry, to engage in the practice of optometry, directly or indirectly, by employing or hiring upon a salary, commission, or other basis or by associating upon a lease or any other profit sharing arrangement with a licensed optometrist or licensed

physician. The provisions of this section shall not apply to cooperative or to non-profit associations or non-profit corporations.

Approved March 20, 1947.

OFFICES AND OFFICERS

CHAPTER 301

H. B. No. 335—(Callahan)

VACANCIES IN PUBLIC OFFICE AND CAUSES THEREOF AN ACT

To amend and reenact Section 44-0201 of the North Dakota Revised Code of 1943, relating to vacancies in public office and causes thereof; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 44-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0201. VACANCIES; CAUSES THEREOF.] An office shall become vacant if the incumbent shall:

1. Die in office;
2. Be adjudged insane;
3. Resign from office;
4. Be removed from office;

5. Fail to discharge the duties of his office, when such failure has continued for sixty consecutive days, except when prevented from discharging such duties by reason of his service in the army, navy, or marine corps of the United States, by sickness, or by other unavoidable cause, provided, however, that as to any office which under the law the vacancy must be filled by the Governor, the Governor for good cause shown may extend the period, which the incumbent may be absent, for an additional period of sixty days. No remuneration on

account of such office shall be paid to an absentee officeholder during his absence, and such office in all cases shall become vacant upon the termination of the term for which he was elected or appointed;

6. Fail to qualify as provided by law;
7. Cease to be a resident of the state, district, county or township in which the duties of the office are to be discharged, or for which he may have been elected;
8. Be convicted of a felony or any offense involving moral turpitude or a violation of his official oath;
9. Cease to possess any of the qualifications of office prescribed by law; or
10. Have his election or appointment declared void by a competent tribunal.

§ 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 13, 1947.

PRINTING LAWS

CHAPTER 302

H. B. No. 99

(Bjella, Bubel, Graham, Stormon and Wambheim)

PUBLICATION OF LEGAL NOTICES

AN ACT

To amend and reenact Section 46-0503 of the North Dakota Revised Code of 1943, pertaining to publication of legal notices and providing for fees to be charged therefor.

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

§ 1. AMENDMENT.] That Section 46-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0503. LEGAL NOTICES.] The fees to be paid to newspapers for the publication of:

1. Any notice or publication required by law to be published by the board of county commissioners or any county officer;
2. Any summons, citation, notice, order, or other document, proceedings, or process in an action or proceedings in any court of the state, which is required by law to be published;
3. Any publication required to be published by any state officer, elected or appointive;
4. Any notice of foreclosure of a real estate mortgage, or a chattel mortgage or other lien foreclosed by advertisement;
5. Any notice or publication required to be published by any city, village, township, school district, or other political subdivision of the state, or by any officer thereof; and
6. Any legal notice and legal publication of whatever kind or character required by law to be published,

shall be nine cents per counted line of nonpareil or six point type for the first insertion and six cents per line of nonpareil or six point type for each subsequent insertion, or seven cents

per counted line of brevier or eight point type for the first insertion and five cents per line of brevier or eight point type for each subsequent insertion. All tabulated matter, leader work, or work containing one column of figures shall be figured at one and one-half times the rate for straight matter on first publication, and all tabulated matter with two or more columns of figures shall be computed at double the rate for straight matter on first publication. A line shall be construed to mean twelve or thirteen ems pica, or twelve point type in length. Wherever possible, all such legal notices and publications shall be set in single column.

Approved February 20, 1947.

CHAPTER 303

S. B. No. 217—(Day)

PUBLICATION OF SESSION LAWS; COPYRIGHT

AN ACT

To amend and reenact Section 46-0311 of the North Dakota Revised Code of 1943, providing printing and copyrighting session laws.

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

§ 1. AMENDMENT.] That section 46-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0311. PUBLICATION OF SESSION LAWS; SECRETARY OF STATE TO SECURE COPYRIGHT.] The secretary of state shall correct proof and supervise the publication of the laws in a manner and form prescribed by the legislative research committee, correlating each year's laws with the session laws of preceding legislative assemblies and the North Dakota Revised Code of 1943. He shall secure a copyright of the session laws of each session of the legislative assembly before the same are distributed, for the exclusive use and benefit of the state, the procurement of such copyright to be printed properly in each volume of said session laws.

Approved March 7, 1947.

PROPERTY

CHAPTER 304

S. B. No. 129

(Committee on Appropriations)

REGISTRATION OF TRADEMARKS

AN ACT

Fixing fees pertaining to trade marks, limiting registration period, providing for re-registration and declaring an emergency.

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

§ 1. FEES.] The Secretary of State shall collect the following fees.

1. For registration or re-registration of trade mark, ten dollars;
2. For certified copy of trade mark, three dollars;
3. For search of trade mark records and report, two dollars.

§2. LIMITATION OF PERIOD OF PROTECTION; RE-REGISTRATION.] The protection provided by this Chapter shall continue in each case for a period of ten years from and after the date of registration or re-registration or for a period of one year from and after the passage and approval of this Act, whichever is the longer. Not less than six months prior to the expiration of any such period, the Secretary of State shall give the owner of record of said trade mark notice of the date of such expiration by registered mail addressed to the last known address of said owner as the same appears on the records of the office of the Secretary of State. Within said six months period said owner may re-register the same in every case for an additional ten year period by filing a new application for registration. There shall be no limit upon the number of times a trade mark may be re-registered.

§ 3. 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 15, 1947.

PUBLIC UTILITIES

CHAPTER 305.

H. B. No. 216—(Westby)

CLEARANCE OF OBSTRUCTIONS ON RAILROADS

AN ACT

To amend and reenact Sections 49-1306 of the North Dakota Revised Code of 1943 relating to clearance of obstructions on railroads and authority of the public service commission in relation thereto.

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

§ 1. AMENDMENT.] That Section 49-1306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1306. CLEARANCE REQUIRED OVER TRACKS.] No railroad corporation, unless authorized by the commission shall erect or maintain on any standard gauge road on its line or on any standard gauge side track used in connection therewith, for use in any traffic mentioned in section 49-1303 any:

1. Coal chute, stock pen, pole, mail crane, standpipe, hog drencher, embankment of earth or natural rock, or any fixed or permanent structure or obstruction upon its line of railroad or on any sidetrack used in connection therewith, at a distance not less than eight feet, measured from the center line of the track, which said structure or obstruction adjoins on standard gauge roads; nor
2. Overhead wires, bridges, viaducts, or other obstructions passing over and above its tracks at a less height than twenty-one feet, measured from the top of the track rail.

The public service commission, upon application after a thorough investigation and hearing in any particular case, may permit any railroad corporation to which this Act applies to erect or reconstruct and maintain any such railroad facility at a lesser clearance than herein provided for when in the judgment of said commission the compliance with the clearance prescribed herein would be unreasonable or unnecessary and when a lesser clearance than that hereinbefore provided for would not create a condition unduly hazardous to the em-

ployees of such railroad corporation or any other person or corporation. Station freight house platforms which have a vertical height of not more than four feet, measured from the top of the track rail, may be erected and maintained at a less distance from the center of the track which they adjoin than herein specified.

Approved March 15, 1947.

CHAPTER 306

H. B. No. 309—(Smart, Acheson and Metcalf)

REGULATING RAISING AND LOWERING ELECTRIC SUPPLY AND COMMUNICATION LINES FOR MOVEMENT OF BUILDINGS OR OTHER BULKY OBJECTS—ASSESSMENT OF RESPECTIVE CHARGES

AN ACT

Regulating the raising and lowering of electric supply and communication lines to permit the movement of buildings or other bulky objects; providing for the promulgation of rules and regulations pertaining to the raising and lowering of said lines; providing for the assessment of charges therefor; and declaring an emergency.

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

§ 1. The Public Service Commission shall have power:

- (1) To regulate the raising and lowering of electric supply and communication lines to permit the movement of buildings or other bulky objects; and to adopt and promulgate, after notice and hearing, reasonable rules regulations pertaining thereto; and,
- (2) To require, after notice and hearing, increased clearances in specific locations where electric supply and communication lines cross public roads and streets, provided that the movement of buildings or other bulky objects thereon is sufficiently frequent to so warrant.

§ 2. Any party requesting the raising or lowering of electric supply and communication lines shall be required to pay not more than the actual cost reasonably and necessarily incurred therefor. The Commission shall, upon application, and after notice and hearing, review and determine the reasonableness of any charges assessed for the raising and

lowering of electric supply and communication lines, and if said charges are found unreasonable, the Commission shall fix a just and reasonable charge.

§ 3. 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, 1947.

CHAPTER 307

S. B. No. 17

(Brant for Legislative Research Committee at the request of Public Service Commission)

APPOINTMENT OF PUBLIC SERVICE COMMISSION EXAMINERS

AN ACT

To amend and reenact Section 49-0108 of the North Dakota Revised Code of 1943, relating to the appointment of examiners by the public service commission to conduct hearings; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 49-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0108. APPOINTMENT OF EXAMINERS BY PUBLIC SERVICE COMMISSION.] The commission may designate the special assistant attorney general appointed by the attorney general as commerce counsel of the Commission; the director of auto transportation; the chief statistician; or chief engineer, to act as an examiner for the purpose of holding any hearing which the commission, or any member thereof, has power or authority to hold.

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

Approved March 6, 1947.

CHAPTER 308

S. B. No. 142—(Leno)

**LIGNITE TO BE FURNISHED FARMERS OR THEIR AGENTS UPON
CALL BY LIGNITE MINE OPERATORS; PENALTIES****AN ACT**

To require operators of lignite mines located within the state of North Dakota to furnish and deliver coal to farmers or their agents, truckers and other persons, whenever such farmers or their agents, truckers, or other persons call for lignite at the mines; providing for penalties and declaring an emergency.

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

§ 1. **OWNER OR OPERATOR OF LIGNITE MINE NOT TO DISCRIMINATE AGAINST CERTAIN PERSONS.]** Any farmer or his agent, trucker, or other person having a conveyance suitable for the transportation of lignite and calling at any lignite mine located and operated in the state of North Dakota shall not be discriminated against and may demand and receive lignite at prevailing prices from the owner, operator, or other person in charge of such mine, if such mine is actually loading lignite and making it readily available for delivery at the time of such demand. Such owner, operator, or other person in charge of such mine shall not be compelled to sell or deliver more than twenty-five percent of the total output of such mine in any one week to such farmer, agent, trucker, or other persons calling for delivery of lignite at such mine.

§ 2. **PENALTY.]** Any owner, operator, or other person in charge of any lignite mine in the state of North Dakota violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars or more than three hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

§ 3. **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 February 28, 1947.

CHAPTER 309

H. B. No. 120—(Westby, Saumur and Benson)

SOUND WARNINGS BY LOCOMOTIVES AT PUBLIC HIGHWAY
CROSSINGS

AN ACT

To amend and reenact Sections 49-1121, 49-1122, and 49-1123 of the North Dakota Revised Code of 1943, relating to sound warnings by locomotives at public highway crossings.

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

§ 1. AMENDMENT.] That Section 49-1121 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1121. BELL, HORN OR WHISTLE SOUNDED AT CROSSING BY LOCOMOTIVE.] A bell of at least thirty pounds in weight or a steam whistle or an air horn shall be placed on each locomotive engine and shall be rung or whistled or sounded at a distance of at least eighty rods from the place where the said railroad shall cross any other road or street and shall be kept ringing or whistling or sounded until it shall have crossed said road or street.

§ 2. AMENDMENT.] That Section 49-1122 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1122. LIABILITY OF RAILROAD CORPORATION FOR FAILURE OF LOCOMOTIVE TO SOUND BELL, HORN OR WHISTLE AT CROSSING.] The railroad corporation owning the locomotive which fails to sound its bell or whistle or horn at any road or street crossing as provided by Section 49-1121 shall be punished by a fine of fifty dollars and also shall be liable for all damages which shall be sustained by any person by reason of such neglect.

§ 3. AMENDMENT.] That Section 49-1123 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

49-1123. LIABILITY OF ENGINEER FOR FAILURE TO SOUND BELL, HORN OR WHISTLE OF LOCOMOTIVE AT CROSSING.] Every locomotive engineer who does not cause a bell to ring or a steam whistle or air horn to sound as provided by section 49-1121 shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than sixty days.

Approved March 15, 1947.

CHAPTER 310

S. B. No. 137—(Rue and Work)

REGULATING COMMON, SPECIAL AND CONTRACT MOTOR CARRIERS**AN ACT**

To amend and reenact sections 49-1803 and 49-1804 of the North Dakota Revised Code of 1943 relating to the regulation of common, special and contract motor carriers.

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

§ 1. AMENDMENT.] That section 49-1803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1803. APPLICATION OF CHAPTER TO COMMON MOTOR CARRIER LIMITED.] This chapter shall not apply to any common or special motor carrier of property or passengers operating 1, wholly within a city or village in this state, or 2, not to exceed one mile from the corporate or recognized limits of such city or village.

§ 2. AMENDMENT.] That section 49-1804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1804. APPLICATION OF CHAPTER TO CONTRACT MOTOR CARRIERS LIMITED.] This chapter shall not apply to contract motor carriers of property or passengers operating:

1. Wholly within a city or village of this state;
2. Within not to exceed one mile of a city or village;
3. Exclusively in the transportation of children to or from school; or
4. As rural mail carriers.

Approved March 15, 1947.

CHAPTER 311

S. B. No. 21

(Brant for Legislative Research Committee at the request of Public Service Commission)

CERTAIN MOTOR CARRIER EXEMPTIONS TO FARMERS AND ASSOCIATIONS OF FARMERS HAULING OWN GOODS**AN ACT**

To amend and reenact Section 49-1802 of the North Dakota Revised Code of 1943, as amended and reenacted by Chapter 273 of the North Dakota Session Laws for the year 1945, providing for certain exemptions to farmers and associations of farmers hauling their own goods and authorizing emergency transportation service.

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

§ 1. AMENDMENT.] That Section 49-1802 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 273 of the North Dakota Session Laws for the year 1945, is hereby amended and reenacted to read as follows:

49-1802. INAPPLICABILITY OF PROVISIONS OF CHAPTER.] The provisions of Chapter 49-18, North Dakota Revised Code of 1943 shall not apply:

1. To any person transporting his own property with his own vehicle when such person is the bona fide owner of the property so transported;
2. To an association of farmers owning or controlling a motor vehicle transporting for its farmer members agricultural commodities of all kinds, livestock and farm supplies from the farms where such commodities are produced, grown or processed to the market, village or place where such commodities are sold, stored, or otherwise disposed of, and the transportation of such commodities from the market, village, or place where the same are purchased or acquired to the farms where the same are to be used, consumed, or processed; and
3. To the transportation of property for hire or otherwise between the farms and the usual local trading places of the farmer for whom the transportation is performed, or between farms locally.

Approved March 6, 1947.

CHAPTER 312**S. B. No. 126
(Streibel and Rue)****PAYMENT OF 1945 AND 1946 EXPENSES PUBLIC SERVICE
COMMISSIONERS****AN ACT**

Providing for the payment of expenses to commissioners of the Public Service Commission, and declaring an emergency.

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

§1.] Each commissioner of the Public Service Commission of the State of North Dakota, who resides at the Capitol of this state in order to properly discharge his official duties, shall be paid, when this law becomes effective, the sum of Nine Hundred Dollars per annum for the calendar years of 1945 and 1946 for traveling expenses and moneys expended by him while engaged in the discharge of his official duties, to be paid by the State Auditor from the Auto Transportation Fund without the filing of any itemized voucher or statement; provided, however, that this act shall not apply to any commissioner of the Public Service Commission who received a salary as such commissioner of \$3,300.00 per annum for the years of 1945 and 1946 as provided for in Section 49-0105 of the North Dakota Revised Code for 1943.

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

Approved March 6, 1947.

CHAPTER 313**S. B. No. 131—(Rue and Strelbel)****PAYMENT 1947 AND 1948 EXPENSES PUBLIC SERVICE
COMMISSIONER****AN ACT**

Providing for the payment of expenses to the Commissioners of the Public Service Commission, and declaring an emergency.

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

§ 1.] Each commissioner of the Public Service Commission of the State of North Dakota, who resides at the Capitol of this state in order to properly discharge his official duties, shall be paid the sum of Nine Hundred Dollars for each of the calendar years of 1947 and 1948 from any balance in the Auto Transportation Fund, for traveling expenses and moneys expended by him while engaged in the discharge of his official duties, to be paid in quarterly payments by the State Auditor without the filing of any itemized statement and in addition to any appropriation for expenses out of the general fund payable to such commissioner or commissioners; provided, however, that this act shall not apply to any commissioner of the Public Service Commission who shall have been elected after the effective date of the increase in salary provided for in Section 49-0105 of the North Dakota Revised Code of 1943.

§ 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 6, 1947.

PUBLIC WELFARE

CHAPTER 314

H. B. No. 20

(Langley and Legislative Research Committee at the request of Public Welfare Board)

DEFINITIONS AND ELIGIBILITY FOR AID TO DEPENDENT CHILDREN

AN ACT

To amend and reenact Sections 50-0901 and 50-0905 of the North Dakota Revised Code of 1943 as amended by chapter 278, Session Laws of 1945, pertaining to definitions and eligibility for assistance for aid to dependent children.

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

§ 1. AMENDMENT.] That Section 50-0901 of the North Dakota Revised Code of 1943 as amended by Chapter 278, Session Laws of 1945, be hereby amended and reenacted to read as follows:

50-0901. DEFINITIONS.] In this Chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the counties of the state;
3. "Private agency" shall mean a private child-caring or child-placing agency duly licensed under the laws of North Dakota, or a private maternity home providing special care exclusively for unmarried expectant mothers or mothers and their infants, and duly licensed under the laws of North Dakota;
4. "Assistance" shall mean money payments with respect to, or goods and services provided for dependent children, including payments for the care of unmarried mothers and their infants;
5. "Applicant" shall mean a person or agency having the custody of a dependent child making application for aid for such child under the provisions of this Chapter;

6. "Dependent child" shall mean any needy child:
- a. Under the age of eighteen years, or under the age of twenty-one if mentally or physically incapacitated, who is living in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;
 - b. Under the the age of twenty-one years, who is living in a licensed foster home or in a licensed child-caring or child-placing institution;
 1. Who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent; or
 2. Who is abandoned by his parent, guardian or custodian; or
 3. Whose parent, guardian or custodian is unable, neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well being; or
 4. Who is in need of special care as provided by a private agency for which his parent, guardian, or custodian is unable, neglects, or refuses to provide.

§ 2. AMENDMENT.] That Section 50-0905 of the North Dakota Revised Code of 1943 as amended by Chapter 278 of the Session Laws of North Dakota for the year 1945 be hereby amended and reenacted to read as follows:

50-0905. ELIGIBILITY FOR ASSISTANCE. Aid shall be granted under this Chapter to any needy dependent child as defined in Section 50-0901 as amended by Chapter 278 of the Session Laws of 1945;

1. Who has resided in the state for one year immediately preceding the date of application; or
2. If under the age of one year at the time of application:
 - a. Whose mother has resided in the state one year immediately preceding the birth of the child, or
 - b. Who has resided in the state during his lifetime and whose mother has resided in the state for so

many months, immediately preceding his birth as added to the age of the child, aggregate one year immediately preceding the date of application; or

3. If unborn, whose mother has resided in the state for one year immediately preceding the date of application; or
4. Who is living in a boarding home licensed under the laws of North Dakota or, if in another state, meeting standards determined by the state agency to be comparable to those required for licensing in North Dakota; or in a home or institution maintained and operated or selected by a private agency.

Approved March 1, 1947.

CHAPTER 315

H. B. No. 24

(Langley and Legislative Research Committee through the Public Welfare Board at request of State Health Planning Committee)

REPORT OF BIRTHS OUT OF WEDLOCK AND BIRTHS WITH CONGENITAL DEFORMITIES: PENALTY

AN ACT

To provide for the reporting of births out of wedlock and births with congenital deformities to the division of child welfare of the public welfare board; fixing responsibility for reporting; providing for forms for reporting; providing that nothing in Act affects registration of vital statistics; providing for a penalty and declaring an emergency.

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

§ 1. REPORT OF BIRTHS OUT OF WEDLOCK TO DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] All births out of wedlock in the state of North Dakota shall be reported to the division of child welfare of the public welfare board within twenty-four hours after the birth occurs. Such report shall include the date and place of birth; the sex of the child, the name of the mother, the name of the attending physician and such other information as the division of child welfare may require.

§ 2. REPORT OF BIRTHS WITH CONGENITAL DEFORMITIES TO THE DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE

BOARD.] All births in North Dakota of children with a visible congenital deformity shall be reported to the division of child welfare within three days after such birth occurs. Such report shall include the date and place of birth; the sex of the child, the names of the parents, the name of the physician or other person attending birth, a diagnosis and description of the deformity and such other information as the division may require.

§ 3. RESPONSIBILITY FOR REPORTING.] Births out of wedlock or with congenital deformities which occur in a licensed maternity home or hospital shall be reported by the licensee of such home or hospital. All such births occurring outside of maternity homes or hospitals shall be reported by the legally qualified physician in attendance, or in the event of absence of a physician, by the registered nurse or other attendant.

§ 4. REPORT FORMS PREPARED BY THE DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] The division of child welfare shall prepare forms for reporting the information necessary to promote the best interest of a child born out of wedlock or with a congenital deformity. A supply of such forms is to be made available to maternity homes or hospitals and legally qualified physicians and others regularly attending births.

§ 5. NOTHING IN ACT AFFECTING REGISTRATION OF VITAL STATISTICS.] Nothing in this Act shall be construed as superceding or affecting the requirements of registering births with the state registrar of vital statistics as set forth in Chapter 23-02 of the North Dakota Revised Code of 1943.

§ 6. PENALTY.] Every person who violates any of the provisions of this Act, or who makes any false statements on reports to the division of child welfare or its agent, or to the state department of health, is guilty of a misdemeanor, punishable 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.

§ 7. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its approval.

Approved March 14, 1947.

CHAPTER 316

H. B. No. 23

(Langley and Legislative Research Committee through the Public Welfare Board at request of State Health Planning Committee)

LICENSING AND SUPERVISION OF MATERNITY HOMES FOR
UNMARRIED MOTHERS

AN ACT

To provide for the licensing and supervision of maternity homes for unmarried mothers by the division of child welfare of the public welfare board; defining maternity home for unmarried mothers providing that an annual license be required; providing for the requirements for license; providing for inspection and report by the state department of health; providing for contents of license; providing for regulation by the division of child welfare; providing for inspection of maternity home and records; providing for every birth being attended by qualified physicians; providing for reporting of births; providing that records of maternity home are confidential; prohibiting offering or advertising to dispose of infants; providing for revocation of license; providing for hearing on denial or revocation of license; providing for cooperation of interested persons and agencies; providing for penalty; and repealing Sections 50-1301 to 50-1313, both inclusive of the North Dakota Revised Code of 1943 and all statutes in conflict with the provisions hereof, and declaring an emergency.

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

§ 1. DEFINITIONS.] In this Act, unless the context or subject matter otherwise requires:

1. "Maternity home for unmarried mothers" shall mean any hospital, home or other premises, operating especially to provide social services and maternity care to unmarried mothers and their infants, which receives more than one unmarried woman during any period of six months for shelter, care or treatment during pregnancy, or delivery, or within sixty days after delivery. It shall not apply to any hospital, home, or other premises owned or operated by state or federal governments; and
2. "Division" shall mean the division of child welfare of the public welfare board.

§ 2. LICENSE REQUIRED.] Any person, partnership, voluntary association or corporation, which operates a maternity home for unmarried mothers shall secure annually from the division a license as required in this Act.

§ 3. REQUIREMENTS FOR LICENSE.] A license for the operation of a maternity home for unmarried mothers shall be issued by the division to a reputable and responsible person, partnership, voluntary association or corporation, upon showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide good care and treatment;
2. The persons in active charge of the home and their assistants are qualified by training and experience to carry on efficiently the duties required of them;
3. The home is to be conducted for the public good and in accordance with sound social policy; and
4. The health and well-being of the infants born therein and the health, morality, and well-being of the parties treated therein will be properly safeguarded.

§ 4. INSPECTION AND REPORT BY STATE DEPARTMENT OF HEALTH.] The division shall give notice to state department of health of all applications for license to operate a maternity home for unmarried mothers. Upon receipt of such notice, the state department of health shall inspect the facilities and premises of the applicant to determine sanitary conditions and the adequacy of medical and nursing services, and shall report its findings to the division.

§ 5. CONTENTS OF LICENSE.] The license to operate a maternity home for unmarried mothers issued under the provisions of this Act shall set forth:

1. The name of the licensee;
2. The premises to which the license is applicable;
3. The number of patients who may be received in such premises at any one time; and
4. The date of expiration of the license.

§ 6. REGULATION BY DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] The division may prescribe forms for the registration and record of persons cared for in maternity homes for unmarried mothers and shall make such reasonable rules and regulations for the conduct of such homes as are necessary to carry out the purposes of this Act. The division shall require reports from the licensee which shall include a statement of plans made for the unmarried mother and her child.

§ 7. **INSPECTION OF MATERNITY HOME FOR UNMARRIED MOTHERS AND THE RECORDS THEREOF.]** The division and its authorized agents may inspect any maternity home for unmarried mothers licensed under the provisions of this Act at any time. The division and its agents shall have free access to every part of such home and to the records thereof, and they may see and interview the patients therein.

§ 8. **EVERY BIRTH ATTENDED BY QUALIFIED PHYSICIAN.]** Every birth occurring in a maternity home for unmarried mothers shall be attended by a legally qualified physician. If none is available a registered nurse shall attend such birth and direct delivery services until the services of a legally qualified physician may be obtained.

§ 9. **REPORTING BIRTHS.]** The licensee of a maternity home for unmarried mothers shall report each birth occurring within the home to the state department of health in accordance with the provisions of Chapter 23-02 of the North Dakota Revised Code of 1943, and to the division as may be provided by law.

§ 10. **RECORDS OF MATERNITY HOME CONFIDENTIAL.]** No agent of the state department of health or the division, or the licensee, under the provisions of this Act, shall disclose the contents of the records of a maternity home for unmarried mothers nor of the reports received therefrom, except:

1. In a judicial proceeding when ordered by the presiding judge; or
2. To officers of the law or other legally constituted boards or agencies serving the interests of the patients or her infant.

§ 11. **OFFER OR ADVERTISE TO DISPOSE OF INFANTS PROHIBITED.]** No maternity home for unmarried mothers licensed under the provisions of this Act shall in any way offer to dispose of any child, or advertise that it will give children for adoption, or hold itself out, directly or indirectly, as being able to dispose of children; but may inform an unmarried mother of licensed child placing agencies.

§ 12. **REVOCAION OF LICENSE.]** The division may revoke a license of any maternity home for unmarried mothers upon a proper showing that:

1. Any of the conditions set forth in Section 3 hereof as requirements for the issuance of the license no longer exists;
2. The license was issued upon fraudulent or untrue representations;

3. The owner or operator has violated any of the rules and regulations of the division; or
4. The owner or operator of the maternity home has been guilty of the violation of any law of this state disclosing moral turpitude.

§ 13. HEARING ON DENIAL OR REVOCATION OF LICENSE.] Before any application for a license to conduct a maternity home for unmarried mothers shall be denied or before the revocation of any such license by the division, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the public welfare board, if such hearing is requested within ten days, after service of the written charges.

§ 14. COOPERATION OF INTERESTED PERSONS AND AGENCIES.] The licensee of a maternity home for unmarried mothers, the physician, or other responsible person in attendance at birth, the state department of health and its agents, and the division and its agents shall cooperate in all measures and services for improving and safeguarding the health and social wellbeing of maternity patients and their infants cared for in a maternity home for unmarried mothers.

§ 15. PENALTY.] Every person who violates any of the provisions of this Act, or who makes any false statements on reports to the division or its agent, or to the state department of health, is guilty of a misdemeanor, punishable 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.

§ 16. REPEAL.] Sections 50-1301 to 50-1313, both inclusive, of the North Dakota Revised Code of 1943, and all statutes in conflict herewith, are hereby repealed.

§ 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 14, 1947.

CHAPTER 317**H. B. No. 18****(Langley and Legislative Research Committee at the request of Public Welfare Board)****RECOVERY OF OLD AGE ASSISTANCE FROM PERSON LIABLE FOR SUPPORT****AN ACT**

To amend and reenact Section 50-0732 of the North Dakota Revised Code of 1943 pertaining to recovery of assistance from person liable for support.

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

§ 1. AMENDMENT.] That Section 50-0732 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

50-0732. RECOVERY OF ASSISTANCE FROM PERSON LIABLE FOR SUPPORT; HOW DIVIDED.] The money recovered by any county under the provisions of Section 50-0731, from the person liable for the support of the recipient of assistance, shall be divided as provided by Section 50-0735 of the North Dakota Revised Code of 1943.

Approved March 1, 1947.

CHAPTER 318

H. B. No. 16

(Langley and Legislative Research Committee at the request of Public Welfare Board)

**RECOVERY FROM ESTATE OF RECIPIENT OF OLD AGE ASSISTANCE—
ALLOWING FOR PAYMENTS OF LAST ILLNESS AND FUNERAL
EXPENSES OF SPOUSE OF RECIPIENT**

AN ACT

To amend and reenact Section 50-0734 of the North Dakota Revised Code of 1943 pertaining to recovery from the estate of recipient of assistance and allowing for payments of last illness and funeral expenses of spouse of recipient of old age assistance.

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

§ 1. AMENDMENT.] That Section 50-0734 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0734. RECOVERY FROM THE ESTATE OF RECIPIENT OF ASSISTANCE.] On the death of any recipient of old age assistance under the provisions of this chapter, the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the estate, after funeral expenses for recipient and his or her spouse, not to exceed in each individual case one hundred fifty dollars, and such expenses of the last illness of recipient and spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, has been paid. No claim shall be enforced against the following:

1. Real estate of a recipient for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding in value two hundred dollars.

Approved March 1, 1947.

SALES AND EXCHANGE

CHAPTER 319

S. B. No. 204—(Page and Wolf)

MACHINERY AND ENGINE REPAIRS, INCLUDING FIRE FIGHTING EQUIPMENT AND FIRE EXTINGUISHERS TO BE KEPT WITHIN THE STATE

AN ACT

To amend and reenact section 51-0708 of the North Dakota Revised Code of 1943, providing for the keeping of repairs within the state for all gas or oil burning tractors, steam or gas engines, harvesting and threshing machinery, automobiles and auto trucks, and all fire fighting equipment and fire extinguishers, and providing the duties of the manufacturer thereof, and providing a penalty for violations of this Act, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 51-0708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

51-0708. MANUFACTURERS OF TRACTORS, ENGINES, FARM MACHINERY, AND AUTOMOBILES, FIRE FIGHTING EQUIPMENT AND FIRE EXTINGUISHERS, TO MAINTAIN SUPPLY DEPOT IN STATE; PENALTY.] No manufacturer of any gas or oil burning tractors, steam or gas engines, harvesting and threshing machinery, automobiles and auto trucks, fire fighting equipment and fire extinguishers, shall sell or deliver within this state any such gas or oil burning tractor, steam or gas engine, harvesting and threshing machinery, automobile or auto truck, fire fighting equipment and fire extinguishers, without first having established at least one supply depot within the state where shall be kept constantly on hand a full and complete supply of repairs for the same. Any manufacturer selling or delivering, or causing to be sold or delivered, any such machinery, fire fighting equipment and fire extinguishers, in violation of the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars for each offense, and in addition thereto, upon the application of any citizen, the attorney general of North Dakota may bring an action to enjoin and prohibit such manufacturer from doing business in North Dakota.

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

Approved March 7, 1947.

SOCIAL SECURITY

CHAPTER 320

H. B. No. 182

(Collette, Falconer, Haugland, Haugen, Callahan, Levin, Benno, Graham, and Halcrow).

ESTABLISHING OLD AGE AND SURVIVOR INSURANCE SYSTEM

AN ACT

To provide for the general welfare of public employees by establishing an Old Age and Survivor Insurance System; to provide for the administration of such system; to provide for deductions from pay of public employees and contributions from the State, political subdivisions and other instrumentalities of the State, to raise funds for such retirement system and to repeal conflicting laws, and making an appropriation.

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

§ 1.] A retirement system is hereby created and established to become effective July 1, 1947, and to be known as the "Old Age and Survivor Insurance System," hereinafter called "System."

§2.] The purpose of this act is to promote economy and efficiency in the public service by providing an orderly means whereby employees who become superannuated may, without hardship or prejudice be replaced by more capable employees, and to that end providing a retirement system which will provide for the payment of annuities to public employees or to their beneficiaries thereby enabling the employees to care for themselves and their dependents, in old age or death, and which by its provisions will improve public employment within the state, reduce excessive personnel turnover and offer suitable attraction to high grade men and women to enter public service in the state.

§ 3.] The North Dakota Unemployment Compensation Division of the North Dakota Workmen's Compensation Bureau hereinafter called the "Bureau" shall be vested with authority to administer the Old Age and Survivor Insurance System.

§ 4.] The duties and powers of the Bureau in respect to the carrying out of the provisions of this Act shall be the same as are set forth in Chapter 52-02 of the North Dakota Revised Code of 1943 as amended, insofar as the provisions of such chapter are consistent with the provisions of this Act.

§ 5.] There is hereby created as a special fund, separate and apart from all other public moneys or funds of this State, the "Old Age and Survivors' Insurance Trust Fund," hereafter called the "Old Age Survivors' Fund". This fund shall consist of all moneys collected under this act, together with all interest thereon, and shall also include all securities and other assets acquired by and through the use of the moneys belonging to this fund and any other moneys that have been paid into this fund.

§ 6.] The Treasurer of the State of North Dakota is hereby made the custodian and trustee of this fund and shall administer the same in accordance with the directions of the Bureau. It shall be the duty of the trustee,

A. To hold said trust funds.

B. Invest such portion of said trust funds as are not needed for current payment of benefits under this Act in interest bearing bonds issued by the United States, or by the State of North Dakota, or those issued by counties, school districts and/or general obligations or limited levy bonds issued by municipal corporations in this state as authorized by law. Also to sell and dispose of same when needed for the payment of benefits under this Act.

C. Disburse such trust funds upon warrants drawn by the State Treasurer pursuant to the order of the Bureau.

§ 7.] All moneys which are paid or deposited into this fund are hereby appropriated and made available to the Bureau to be used only for the purposes herein provided.

A. To be used by the Bureau for the payment of claims for benefits under this Act.

B. To be used by the Bureau to pay refunds provided for in Section Nine (9) of this Act.

§ 8.] Taxes unpaid on the date on which they are due and payable as prescribed by the Bureau, shall bear interest

at the rate of one-half of one per centum per month from and after such date until payment plus accrued interest is received by the Bureau, provided that the Bureau may prescribe fair and reasonable regulations pursuant to which such interest shall not accrue with respect to taxes required. Interest collected pursuant to this section shall be paid into the Old Age and Survivors' Fund.

A. If within thirty days after due notice, the employer defaults in payment of taxes or interest thereon, the amount due shall be collected by civil action in the name of the Bureau and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect taxes or interest thereon 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.

B. The employer shall pay its tax or contribution from funds available and is directed to pay same from tax money or from any other income of the political subdivision.

C. The political subdivision is hereby authorized and directed to levy a tax sufficient to meet its obligations under the provisions of this Act, over and above any levy limitations now prescribed by law for such political subdivisions.

§ 9.] In any case in which the Bureau finds the employer has paid taxes thereon, which have been erroneously paid, or have 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 shall 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 initiative.

A. In addition to all other taxes there is hereby levied upon each employer (as defined in Section Twenty (20) of this Act) and also upon each employee (as defined in Section 20 of this Act) a tax equal to one per centum of the wages to be paid by each employer and each employee.

§ 10.] The tax imposed by this Act shall be collected by the employer from the employee by deducting the amount of the tax from the wages as and when paid. If more or less than the correct amount of tax imposed by this Act is paid with respect to both the tax and the amount to be deducted, adjustments shall be made without interest, in such manner

and at such times as may be prescribed by regulations made under this Act.

§ 11.] For the purposes of the state income tax, the tax imposed by this Act shall be allowed as a deduction to the taxpayer in computing his net income for the year in which such tax is deducted from his wages.

§ 12.] The employer shall furnish to all employees a written statement in a form prescribed by the Bureau suitable for retention by the employee, showing the wages paid to the employee after July 1, 1947. Each statement shall cover a calendar year, or one, two or three quarters, whether or not within the same calendar year, and shall show the name of the employee, the period covered by the statement, the total amount of wages paid within such period, and the amount of tax imposed by this Act with respect to such wages. Each statement shall be furnished to the employee not later than thirty days following the period covered by the statement, except that, if the employee leaves the employ of the employer, this final statement shall be furnished within thirty days after the last payment of wages is made to the employee. The employer may at its option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter, in lieu of a statement covering each quarter, and, in such case, the statement may show the date of payment of wages in lieu of the period covered by the statement.

§ 13.] The taxes deducted from the wages of the employee by the employer shall be matched by the employer making the deduction and shall be forwarded to the Bureau for recording and deposited with the state treasurer to the credit of the Old Age and Survivors' Fund. Such taxes as deducted by the employer shall be paid in such manner, at such times and under such conditions, either by copies of payrolls or other methods necessary or helpful in securing proper identification of the taxpayer, as may be prescribed by the Bureau.

§ 14.] A. Every individual, who (1) is a fully insured individual (as defined in Section 20 (F)) after June 30, 1947, (2) has attained the age of sixty-five (65), and (3) has filed application for primary insurance benefits, shall be entitled to receive a primary insurance benefit (as defined in Section 20 (D)) for each month, beginning with the month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

B. (1) Every wife, (as defined in Section 20 (H)) of an individual entitled to primary insurance benefits, if such wife (a) has attained the age of sixty-five (65), (b) has filed application for wife's insurance benefits, (c) was living with such individual at the time such application was filed, and (d) is not entitled to receive primary insurance benefits, each of which is less than one-half of a primary insurance benefit of her husband, shall be entitled to receive a wife's insurance benefit for each month, beginning with the month in which she becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs: she dies, her husband dies, they are divorced a vinculo matrimonii, or she becomes entitled to receive a primary insurance benefit equal to or exceeding one-half of a primary insurance benefit of her husband.

(2) Such wife's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of her husband, except that if she is entitled to receive a primary insurance benefit for any month, such wife's insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such wife.

C. (1) Every child (as defined in Section 20 (J)) of an individual entitled to primary insurance benefits, or of an individual who died a fully or currently insured individual (as defined in Section 20 (F) and (G)) after June 30, 1947, if such child (a) has filed application for child's insurance benefits, (b) at the time such application was filed was unmarried and had not attained the age of 18, and (c) was dependent upon such individual at the time such application was filed, or, if such individual has died, was dependent upon such individual at the time of such individual's death, shall be entitled to receive a child's insurance benefit for each month, beginning with the month in which such child becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs: such child dies, marries, is adopted or attains the age of eighteen.

(2) Such child's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of the individual with respect to whose wages the child is entitled to receive such benefit, except that, when there is more than one such individual such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) A child shall be deemed dependent upon a father or adopting father, or to have been dependent upon such in-

dividual at the time of the death of such individual, unless, at the time of such death, or, if such individual was living, at the time of such child's application for child's insurance benefits was filed, such individual was not living or contributing to the support of such child and—

(a) such child is neither the legitimate nor adopted child of such individual, or

(b) such child had been adopted by some other individual, or

(c) such child, at the time of such individual's death, was living with and supported by such child's stepfather.

(4) A child shall be deemed dependent upon a mother, adopting mother, or stepparent or to have been dependent upon such individual at the time of the death of such individual, only if, at the time of such death, or, if such individual was living, at the time such child's application for child's insurance benefits was filed, no parent other than such individual was contributing to the support of such child and such child was not living with its father or adopting father.

(d) (1) Every widow (as defined in Section 20 (1)) of an individual who died a fully insured individual after June 30, 1947, if such widow (a) has not remarried, (b) has attained the age of sixty-five (65), (c) has filed application for widow's insurance benefits, (d) was living with such individual at the time of his death, and (e) is not entitled to receive primary insurance benefits, or is entitled to receive primary insurance benefits each of which is less than three-fourths of a primary insurance benefit of her husband, shall be entitled to receive a widow's insurance benefit for each month, beginning with the month in which she becomes entitled to such insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: She remarries, dies, or becomes entitled to receive a primary insurance benefit equal to or exceeding three-fourths of a primary insurance benefit of her husband.

(2) Such widow's insurance benefit for each month shall be equal to three-fourths of a primary insurance benefit of her deceased husband, except that if she is entitled to receive a primary insurance benefit for any month, such widow's insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such widow.

(E) (1) Every widow (as defined in Section 20 (1)) of an individual who died a fully or currently insured individual after June 30, 1947, if such widow (a) has not re-

married, (b) is not entitled to receive a widow's insurance benefit, and is not entitled to receive primary insurance benefits, or is entitled to receive primary insurance benefits each of which is less than three-fourths of a primary insurance benefit of her husband, (c) was living with such individual at the time of his death, (d) has filed application for widow's current insurance benefits, and (e) at the time of filing such application has in her care a child of such deceased individual entitled to receive a child's insurance benefit, shall be entitled to receive a widow's current insurance benefit for each month, beginning with the month in which she became so entitled to such current insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: no child of such deceased individual is entitled to receive a child's insurance benefit, she becomes entitled to receive a primary insurance benefit equal to or exceeding three-fourths of a primary insurance benefit of her deceased husband, she becomes entitled to receive a widow's insurance benefit, she remarries, she dies.

(2) Such widow's current insurance benefit for each month shall be equal to three-fourths of a primary insurance benefit of her deceased husband, except that, if she is entitled to receive a primary insurance benefit for any month, such widow's current insurance benefit for such month shall be reduced by an amount equal to a primary insurance benefit of such widow.

(F) (1) Every parent (as defined in this subsection) of an individual who died a fully insured individual after June 30, 1947, leaving no widow and no unmarried surviving child under the age of eighteen, if such parent (a) has attained the age of sixty-five (65), (b) was wholly dependent upon and supported by such individual at the time of such individual's death and filed proof of such dependency and support within two years of such date of death, (c) has not married since such individual's death, (d) is not entitled to receive any other insurance benefits under this section, or is entitled to receive one or more of such benefits for a month, but the total for such month is less than one-half of a primary insurance benefit of such deceased individual, and (e) has filed application for parent's insurance benefits, shall be entitled to receive a parent's insurance benefit for each month, beginning with the month in which such parent becomes so entitled to such parent's insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: such parent dies, marries, or becomes entitled to receive for any month an insurance benefit or benefits (other than a benefit under this subsection) in a total

amount equal or exceeding one-half of a primary insurance benefit of such deceased individual.

(2) Such parent's insurance benefit for each month shall be equal to one-half of a primary insurance benefit of such deceased individual, except that, if such parent is entitled to receive an insurance benefit or benefits for any month (other than a benefit under this subsection), such parent's insurance benefit for such month shall be reduced by an amount equal to the total of such other benefit or benefits for such month. When there is more than one such individual with respect to whose wages the parent is entitled to receive a parent's insurance benefit for a month, such benefit shall be equal to one-half of whichever primary insurance benefit is greatest.

(3) As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen.

(G) Upon the death, after June 30, 1947, of an individual who died a fully or currently insured individual leaving no surviving widow, child or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (C), (D), (E) or (F) of this section, an amount equal to six times a primary insurance benefit of such individual shall be paid in a lump sum to the following person (or if more than one, shall be distributed among them) whose relationship to the deceased is determined by the Bureau, and who is living on the date of such determination; to the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who are, under the intestacy law of the state where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably

thereto, to the extent and in the proportions that he or they shall have paid expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the death of such individual.

(H) An individual who would have been entitled to a benefit under subsection (B), (C), (D), (E) or (F) for any month had he filed application therefor prior to the end of such month, shall be entitled to such benefit for such month if he files application therefor prior to the end of the third month immediately succeeding such month.

§ 15.] (A) Whenever the total of benefits under Section 14, payable for a month with respect to an individual's wages, is more than \$20 and exceeds (1) \$85, or (2) an amount equal to twice a primary insurance benefit of such individual or (3) an amount equal to 80 per centum of his average monthly wage (as defined in Section 20 (e)), whichever of such three amounts is least, such total of benefits shall, prior to any deductions under subsection (D) be reduced to such least amount or to \$20, whichever is greater.

(B) Whenever the benefit or total of benefits under Section 14, payable for a month with respect to an individual's wages, is less than \$10 such benefit or total of benefits shall, prior to any deductions under subsection (D) be increased to \$10.

(C) Whenever a decrease or increase of the total of benefits for a month is made under subsection (A) or (B) of this section, each benefit, except the primary benefit, shall be proportionately decreased or increased as the case may be.

(D) Deductions, in such amounts and at such time or times as the Bureau shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits for any month in which:

(1) a child under eighteen and over sixteen years of age, failed to attend school regularly and the Bureau finds that attendance was feasible; or

(2) a widow entitled to a widow's current insurance benefit did not have in her care a child of her deceased husband entitled to receive a child's insurance benefit.

(E) If more than one event occurs in any one month which would occasion deductions equal to a benefit for such month, only an amount equal to such benefits shall be deducted.

(F) Any individual in receipt of benefits subject to deduction under subsection (D) (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event enumerated therein, shall report such occurrence to the Bureau prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred. Any such individual having knowledge thereof, who fails to report any such occurrence, shall suffer an additional deduction equal to that imposed under subsection (D).

§ 16.] (A) Whenever an error has been made with respect to payments to an individual under this act, proper adjustment shall be made, under regulations prescribed by the Bureau, by increasing or decreasing subsequent payments to which such individual is entitled. If such individual dies before such adjustment has been completed, adjustment shall be made by increasing or decreasing subsequent benefits payable with respect to the wages which were the basis of benefits of such deceased individual.

(B) There shall be no adjustment or recovery by the Bureau in any case where incorrect payment has been made to an individual who is without fault, and where adjustment or recovery would defeat the purpose of this act or would be against equity and good conscience.

(C) No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any person where the adjustment or recovery of such amount is waived under subsection (B), or where adjustment under subsection (A) is not completed prior to the death of all persons against whose benefits deductions are authorized.

§ 17.] (A) The Bureau shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this Act, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

(B) The Bureau is directed to make findings of fact, and decisions as to the rights of any individual applying for a payment under this act. Whenever requested by any such individual or whenever requested by a wife, widow, child or parent who makes a showing in writing that his or her rights may be prejudiced by any decision the Bureau has rendered, it shall give such applicant and such other individual reason-

able notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse its findings of fact and such decision. The Bureau is further authorized, on its own motion, to hold such hearings and to conduct such investigations and other proceedings as it may deem necessary or proper for the administration of this act. In the course of any hearing, investigation, or other proceedings, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Bureau even though inadmissible under rules of evidence applicable to court procedure.

(C) (1) On the basis of information obtained by or submitted to the Bureau, and after such verification thereof as it deems necessary, the Bureau shall establish and maintain records of the amounts of wages paid to each individual and of the periods in which such wages were paid and, upon request, shall inform any individual, or after his death shall inform his wife, child or parent of such individual, of the amounts of wages of such individual and the periods of payments shown by such records at the time of such request. Such records shall be evidence, for the purpose of proceedings before the Bureau or any court, of the amounts of such wages and the periods in which they were paid, and the absence of an entry as to an individual's wages in such records for any period shall be evidence that no wages were paid such individual in such period.

(2) After the expiration of the fourth calendar year following any year in which wages were paid or are alleged to have been paid to an individual, the records of the Bureau as to the wages of such individual for such year and the periods of payment shall be conclusive for the purpose of this act, except as hereafter provided.

(3) If, prior to the expiration of such fourth year, it is brought to the attention of the Bureau that any entry of such wages in such records is erroneous, or that any items of such wages have been omitted from the records, the Bureau may correct such entry or include such omitted item in its records, as the case may be. Written notice of any revision of any such entry which is adverse to the interests of any individual, shall be given to such individual, in any case where such individual has previously been notified by the Bureau of the amount of wages and of the period of payments shown by such entry. Upon request in writing made prior to the expiration of such fourth year, or within sixty days thereafter, the Bureau shall afford any individual, or after his death shall afford the wife, child or parent of such individual, reason-

able notice and opportunity for hearing with respect to any entry or alleged omission of wages of such individual in such records, or any revision of any such entry. If a hearing is held, the Bureau shall make findings of fact and a decision based upon the evidence adduced at such hearing and shall revise its records as may be required by such findings and decision.

(4) After the expiration of such fourth year, the Bureau may revise any entry or include in its records any omitted item of wages to conform its records with tax returns or portions of tax returns. Notice shall be given of such revision under such conditions and to such individual as is provided for revisions under paragraph (3) of this subsection. Upon request notice and opportunity for hearing with respect to any such entry, omission, or revision, shall be afforded under such conditions and to such individuals as is provided in paragraph (3) hereof, but no evidence shall be introduced at any such hearing except with respect to conformity of such records with such tax returns.

(5) Decisions of the Bureau under this subsection shall be reviewable by commencing a civil action in the district court of the State of North Dakota as provided in subsection (G) hereof.

(D) For the purpose of any hearing, investigation, or other proceeding authorized or directed under this act, or relative to any other matter within its jurisdiction hereunder, the Bureau shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Bureau. Such attendance of witnesses and production of evidence at the designated place of such hearing, investigation, or other proceeding may be required from any political subdivision of the state. Subpoenas of the Bureau shall be served by anyone authorized by it (1) by delivering a copy thereof to the individual named therein, or (2) by registered mail addressed to such individual at his last dwelling place or principal place of business. A certified return by the individual so serving the subpoena setting forth the manner of service, or, in the case of service by registered mail, the return post-office receipt therefor signed by the individual so served, shall be proof of service. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the State of North Dakota.

(E) In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the

State of North Dakota for the district in which said person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Bureau, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence or both; any failure to obey such order of the court may be punished by said court as contempt thereof.

(F) No person so subpoenaed or ordered shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence on the grounds that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(G) Any individual, after any final decision of the Bureau made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Bureau may allow. Such action shall be brought in the district court of the state of North Dakota for the district in which the plaintiff resides, or has his principal place of business. As part of its answer the Bureau shall file a certified copy of the transcript of the record including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Bureau with or without remanding the cause for a rehearing. The findings of the Bureau as to any fact, if supported by substantial evidence, shall be conclusive, and where a claim has been denied by the Bureau or a decision is rendered under subsection (B) hereof which is adverse to an individual who was a party to the hearing before the Bureau, because of failure of the claimant or such individual to submit proof in conformity with any regulation prescribed under subsection (A) hereof, the court shall review only the question of conformity with such regulations and the validity of such regulations. The court shall, on motion of the Bureau made before it files its answer, remand the case to the Bureau for further action by the Bureau, and may, at any time, on good cause shown, order additional evidence to be taken before the Bureau, and

the Bureau shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm its finding of fact or its decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which its action in modifying or affirming was based. Such additional or modified findings of fact and decision shall be reviewable only to the extent provided for review of the original findings of fact and decision. The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions.

(H) The findings and decisions of the Bureau after a hearing shall be binding upon all individuals who were parties to such hearing. No findings of fact or decision of the Bureau shall be reviewed by any person, tribunal, or governmental agency except as herein provided.

(I) Upon final decision of the Bureau, or upon final judgment of any court of competent jurisdiction, that any person is entitled to any payment or payments under this Act, the Bureau shall certify to the state Treasurer the name and address of the person so entitled to receive such payment or payments, the amount of such payment or payments, and the time at which such payment or payments should be made, and the Bureau, through the state Treasurer, shall make payment in accordance with the certification of the Bureau; provided, that where a review of the Bureau's decision is or may be sought under subsection (C) the Bureau may withhold certification of payment pending such review. The state Treasurer shall not be held personally liable for any payment or payments made in accordance with a certification by the Bureau.

(J) When it appears to the Bureau that the interest of an applicant entitled to a payment would be served thereby, certification of payment may be made, regardless of the legal competency or incompetency of the individual entitled thereto, either for direct payment to such applicant, or for his use and benefit to a relative or some other person.

(K) Any payment made after June 30, 1947, under conditions set forth in subsection (J), to, or on behalf of, a legally incompetent individual without knowledge by the Bureau of incompetency prior to certification of payment, if otherwise valid under this act, shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment.

(L) The Bureau is authorized to delegate to any member, officer, or employee of the Bureau designated by it any of the powers conferred upon it by this section, and is authorized to be represented by its own attorneys in any court in any case or proceeding arising under the provisions of subsection (E).

(M) No application for any benefit under this act filed prior to three months before the first month for which the applicant becomes entitled to receive such benefits shall be accepted as an application for the purposes of this act.

(N) The Bureau may certify, in its discretion, any two or more individuals of the same family for joint payment of the total benefits payable to such individuals.

§ 18.] The Bureau may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the Bureau, and may require of such agents or other persons, before being recognized as representatives of claimants that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the supreme court of the state, shall be entitled to represent claimants before the Bureau.

The Bureau may, by rule and regulation, prescribe the maximum fees which may be charged for services rendered in connection with any claim before the Bureau under this act, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner wilfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this act by word, circular, letter or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Bureau shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both.

§ 19.] Whoever, for the purpose of causing an increase in any payment authorized to be made under this act, or for the purpose of causing any payment to be made where no payment is authorized under this act, shall make or cause to be made any false statement or representation as to the

amount of any wages paid or received or the period during which earned or paid, or whoever makes or causes to be made any false statement of a material fact in any application for any payment under this act, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such an application, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

§ 20.] When used in this act—

(A) The term “wages” means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual with respect to employment during any calendar year after 1945, is paid to such individual with respect to employment during such calendar year.

(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).

(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 covered by a retirement plan in which such political subdivision may be election come under the provisions of this Act in accordance with the regulations prescribed by the Bureau.

(2) The term “employee” means any individual who is in employment as defined in this Act.

(D) The term “primary insurance benefit” means an amount equal to the sum of the following—

(1) (a) 40 per centum of the amount of an individual's average monthly wage if such average monthly wage does not exceed \$50, or (b) if such average monthly wage exceeds \$50, 40 per centum of \$50, plus 10 per centum of the amount by which such average monthly wage exceeds \$50 and does not exceed \$250, and

(2) an amount equal to 1 per centum of the amount computed under paragraph (1) multiplied by the number of years in which \$200 or more of wages were paid to such individual. Where the primary insurance benefit thus computed is less than \$10, such benefit shall be \$10.

(E) The term "average monthly wage" means the quotient obtained by dividing the total wages paid an individual before the quarter in which he died or became entitled to receive primary insurance benefits, whichever first occurred by three times the number of quarters elapsing after July 1, 1947, in which he was covered under this act, and in which he earned more than fifty dollars (\$50) and before such quarter in which he died or became so entitled.

(F) The term "fully insured individual" means any individual with respect to whom it appears to the satisfaction of the Bureau that

(1) He had not less than one quarter of coverage for each two of the quarters elapsing after July 1, 1947, after he was first covered under this act, or after the quarter in which he attained the age of twenty-one, whichever quarter is later, and up to but excluding the quarter in which he retired after he had attained the age of sixty-five, or died, whichever first occurred and in no case less than six quarters of coverage, excepting that no employee who has passed his sixtieth birthday prior to July 1, 1947, shall be paid any benefits until he would have been covered for ten full quarters immediately preceding his retirement or death; or

(2) He had at least forty quarters of coverage. As used in this subsection, and in subsection (G) of this section, the term quarter and the term "calendar quarter" mean a period of three calendar months ending on March 31, June 30, September 30, or December 31; and the term "quarter of coverage" means a calendar quarter in which the individual has been paid not less than \$50 in wages. When the number of quarters specified in paragraph (1) of this subsection is an odd number, for purposes of such paragraph such number shall be reduced by one. In any case where an individual has been paid in a calendar year \$3,000 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter

in such year in which such individual dies or becomes entitled to a primary insurance benefit and any quarter succeeding such quarter in which he died or becomes so entitled.

(G) The term "currently insured individual" means any individual with respect to whom it appears to the satisfaction of the Bureau that he has been paid wages of not less than \$50 for each of not less than six of the twelve calendar quarters, immediately preceding the quarter in which he died.

(H) The term "wife" means the wife of an individual who either (1) is the mother of such individual's sons or daughters or (2) was married to him prior to July 1, 1947, or if later, prior to the date upon which he attained the age of sixty.

(I) The term "widow" (except when used in Section 14 (G)) means the surviving wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to the beginning of the twelfth month before the month in which he died.

(J) The term "child" (except when used in Section 14 (G)) means the child of an individual, and the stepchild of an individual by a marriage contracted prior to the date upon which he attained the age of sixty and prior to the beginning of the twelfth month before the month in which he died, and a child legally adopted by an individual prior to the date upon which he attained the age of sixty and prior to the beginning of the twelfth month before the month in which he died.

(K) In determining whether an applicant is the wife, widow, child, or parent of a fully insured or currently insured individual for purposes of this Act, the Bureau shall apply such law as would be applied in determining the devolution of intestate personal property under the laws of the State of North Dakota. Applicants who according to such law would have the same status relative to taking intestate personal property as a wife, widow, child or parent shall be deemed such.

(L) A wife shall be deemed to be living with her husband if they are both members of the same household, or she is receiving regular contributions from him toward her support, or he has been ordered by any court to contribute to her support; and a widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household at the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support.

(M) Members of the state legislature, officials of the state, city, village, township, and county, and other governmental instrumentalities elected by the vote of the people; employees who are members of any other retirement system in the state which is maintained in whole or in part by public contributions unless such political subdivisions or its instrumentalities as a whole elect to adopt this system are exempted from the provisions of this Act.

(N) The masculine form of expression shall be deemed to include the feminine.

(O) The term "taxes" as used in this Act shall mean the amount or amounts of money contributed to the fund of the system by the employer and the employee.

(P) Wherever the words "political subdivision" appear in this Act they shall include municipal corporations, counties and townships, and public school districts.

§ 21.] Any employee covered by this Act may, upon termination of his employment with an employer covered by this Act, and provided such employee is a currently insured individual but not a fully insured individual, may upon his request within thirty (30) days from the time of the termination of such employment withdraw from the fund the total of the employee's individual contribution paid to said fund, without interest.

§ 22.] The right of any person to any future payment under this act shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 23.] Any political subdivision or the instrumentalities thereof not covered by this Act may become subject hereto by application to the Bureau for such coverage on all or that part of its employees that are not covered by this Act and by complying with the regulation prescribed by the Bureau.

§ 24.] None of the laws of this state regulating insurance or insurance companies shall apply to the Bureau, or the Old Age and Survivors' Insurance System or any of its funds.

§ 25.] The provisions of this Act shall apply to and be applicable to special charter cities in the State.

§ 26.] There is hereby appropriated out of the funds in the state treasury otherwise not appropriated, the sum of

nineteen thousand and five hundred dollars (\$19,500.00) for the biennium beginning July 1, 1947, and ending June 30, 1949, to pay the costs of the administration.

Approved March 17, 1947.

CHAPTER 321

S. B. No. 166—(Judiciary Committee)

UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND; MAINTENANCE, ETC.

AN ACT

To amend and reenact section 52-0209 of the North Dakota Revised Code of 1943 relating to the unemployment compensation administration fund; maintenance; purpose; what constitutes; additional bond required of treasurer; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 52-0209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0209. UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND; MAINTENANCE; PURPOSE; WHAT CONSTITUTES; ADDITIONAL BOND REQUIRED OF TREASURER.] There shall be maintained in the state treasury a special fund to be known as the "unemployment compensation administration fund." All moneys which are deposited or paid into this fund are appropriated and made available to the bureau. The fund shall consist of all moneys appropriated by this state, and all moneys received from the United States of America, or any agency thereof, including the social security administration, the railroad retirement board, the veterans administration, the United States department of labor, or from any other source, for such purpose. Moneys received from the railroad retirement board, the veterans administration, and from the United States department of labor, as compensation for services or facilities supplied to said agencies shall be paid into this fund and the employment service account thereof, on the same basis as expenditures are made for such services or facilities from such fund and account. All moneys in this fund shall be deposited and administered, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury; provided, however, that by reason of the fact that the fund is

subject to audit by the United States treasury department, or its representatives, that no audit by the state board of auditors, or by the office of the state examiner, shall be required. Any balances in this fund shall not lapse at any time but shall be available continuously to the bureau for expenditures consistent with this title. The state treasurer shall give a separate and additional bond conditioned for the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the bureau and in a form prescribed by law or approved by the attorney general. The premiums for such bond shall be paid from the moneys in the unemployment compensation administration fund.

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

Approved February 27, 1947.

STATE GOVERNMENT

CHAPTER 322

S. B. No. 242—(Shure, Day, Page)

SALARY OF ATTORNEY GENERAL

AN ACT

To amend and reenact Section 54-1211 of the North Dakota revised code of 1943, fixing the annual salary of the Attorney General.

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

§ 1. AMENDMENT.] That Section 54-1211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

Approved March 21, 1947.

CHAPTER 323**H. B. No. 332****(Brickner, Ohnstad and Starck)**

**POWERS AND DUTIES OF BOARD OF ADMINISTRATION
WITH RESPECT TO PLACEMENT AND ADOPTION OF CHILDREN****AN ACT**

Repealing subsections 3 and 4 of section 54-2113 of the North Dakota Revised Code of 1943 relating to adoptions, and declaring an emergency.

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

§ 1. REPEAL.] That Subsections 3 and 4 of Section 54-2113 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 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 15, 1947.

CHAPTER 324**H. B. No. 199****(Haugen, Stair, Smart, and Langley)**

LEGISLATIVE RESEARCH COMMITTEE**AN ACT**

To amend and reenact Section 1 of Chapter 289 of the Session Laws of North Dakota for the year 1945, relating to the creation of a legislative research committee, providing for its members and their terms.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 289 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

1. There is hereby created a legislative committee which is hereinafter referred to as the "legislative research committee" or the "committee". The legislative committee shall

consist of five senators and six representatives to be chosen biennially before the close of each regular legislative session. In the house of representatives such committee members shall be chosen in the same manner as the members of other committees from the list of nine members recommended by each political faction and shall be divided equally between such factions. In the senate such committee members shall be chosen by the lieutenant governor three from the majority faction and two from the minority faction, such committee members to be chosen from a list of seven members recommended to him by each such faction. Any vacancy occurring when the legislature is not in session shall be filled by the selection of another member of the legislature, said selection to be made by the remaining senate or house members of the committee, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the committee shall serve until a new committee has been selected at the next regular legislative session; provided, however, that no senator, not a hold-over, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, shall serve as a member of the committee beyond the closing day of the term to which he was elected. Any vacancy occurring because any member of the committee is not reelected, shall be filled for the period from the beginning of the session until a new committee is selected, in the same manner as the original committee is selected.

Approved March 7, 1947.

CHAPTER 325

S. B. No. 113—(Wolf)

CONVEYANCE OF FORMER MINING EXPERIMENT STATION PREMISES TO THE CITY OF HEBRON

AN ACT

Authorizing the conveyance of Block 14 of Leutz's first addition to the Village of Hebron to the City of Hebron.

WHEREAS, the property known as "The Mining Experiment Station" in Morton County, City of Hebron, is serving no useful purpose either to the State of North Dakota or to the University of North Dakota and the School of Mines, now therefore,

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

1. That the State Board of Higher Education, shall with the approval of the Governor and the Attorney General con-

vey to the City of Hebron, the property described as follows, to wit:

“Block fourteen of Leutz’s first addition to the Village of Hebron according to the plat now on file and of record with the Register of Deeds of said County.”

Approved February 27, 1947.

CHAPTER 326

H. B. No. 126—(Johnson of Cass)

ANNUAL EXAMINATION OF BANK OF NORTH DAKOTA AND OTHER INDUSTRIAL INSTITUTIONS BY BOARD OF AUDITORS

AN ACT

To amend and reenact Section 54-1302 of the North Dakota Revised Code of 1943, relating to the annual examination of the Bank of North Dakota and other industrial institutions by the board of auditors.

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

§ 1. AMENDMENT.] That Section 54-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1302. BOARD TO MAKE ANNUAL EXAMINATION OF BANK OF NORTH DAKOTA.] The board of auditors, at least once in each year, shall:

1. Examine and audit the accounts, books, and vouchers of the Bank of North Dakota, and any other industrial institution of the state.
2. Take an account and ascertain the amount of funds belonging to the state; and
3. Take an account and ascertain the assets and liabilities of the Bank of North Dakota, and any other industrial institutions of the state.

The examination and audit made by the board shall be made without previous notice to the officials of the industrial institution examined. The board shall make a report of the examination and audit, and of its acts and doings in the premises, to the governor, and shall make the same public.

Approved March 3, 1947.

CHAPTER 327**H. B. No. 130****(Fitch, Yirchott, Brickner, Brady and Johnson of Cass)**

NORTH DAKOTA HYMN**AN ACT**

Establishing and naming "North Dakota Hymn" as the official song for the state of North Dakota.

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

§ 1. OFFICIAL SONG.] The song known as "North Dakota Hymn", with words written by James W. Foley and music composed by Dr. C. S. Putnam shall be the official song for the state of North Dakota.

Approved March 15, 1947.

CHAPTER 328**S. B. No. 4****(Brant for Legislative Research Committee at the request of Office of State Examiner)**

ANNUAL AUDIT OF N. D. MILL AND ELEVATOR ASSOCIATION**AN ACT**

To amend and reenact Section 54-1814 of the North Dakota Revised Code of 1943 relating to the annual audit of the North Dakota Mill and Elevator Association.

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

§ 1. AMENDMENT.] That Section 54-1814 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

54-1814. ANNUAL AUDIT OF ASSOCIATION.] The books, records, accounts, inventories, stocks of merchandise, supplies, equipment, and all affairs of the North Dakota Mill and elevator association 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 thirtieth day of June in each year. Said audit and the report thereof shall disclose fairly and accurately the actual condition of the North Da-

kota mill and elevator association as of the thirtieth 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 estimates of forecasts shall be made as to the probable loss or gain on transactions to be fulfilled after said date. Inventories of grains, supplies, and stocks on hand shall be computed at the market price on said date. The report may disclose the actual obligations and commitments of the association on existing unfulfilled contracts, and the consideration and prices fixed in said contracts, if, in the judgment of said auditors, the same shall be necessary to a complete audit, but the report shall constitute a factual report of existing conditions, and, to the fullest extent possible, all estimates, forecasts, and probabilities shall be eliminated therefrom. Copies of such audit report upon completion shall be filed with the industrial commission, the manager of the mill and elevator, with the state board of auditors, and a consolidated balance sheet and operating statement shall be made public.

Approved February 27, 1947.

CHAPTER 329

H. B. No. 270

(Halcrow, Einarson, Benno, Levin, Dalzell, Callahan, Power, Smart and Bubel)

NORTH DAKOTA STATE TREE AND STATE BIRD

AN ACT

To name the North Dakota state tree and the North Dakota state bird.

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

§ 1.] The American Elm, *Ulmus Americana*, shall be the official tree of the state of North Dakota.

§ 2.] The Meadowlark, *Sturnella Neglecta*, shall be the official bird of the state of North Dakota.

Approved March 10, 1947.

CHAPTER 330

S. B. No. 256

(Nordhougen, O'Brien, Stucke, Page and Day)

DIRECTOR OF STATE BUDGET, APPOINTMENT, TERM, VACANCY
AND SALARY

AN ACT

Creating the office of director of the state budget; authorizing his appointment by the state budget board; prescribing his qualifications; fixing his term of office; providing for his removal for cause and for filling of office in case of vacancy; prescribing the manner in which he shall qualify; authorizing the appointive power to fix his salary and the compensation of other employees; defining the powers and duties of such director; requiring a bi-annual report for the state budget board and legislative assembly; providing for the supervision of the director's official duties by the appointive power and making an appropriation for the administration of this Act, and amending Section 54-1504 of the North Dakota Revised Code of 1943.

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

§ 1. DIRECTOR OF STATE BUDGET, APPOINTMENT, TERM, VACANCY AND SALARY.] The state budget board shall have the power and it shall be its duty to appoint a director of the budget who shall be qualified by training and experience to perform the duties imposed upon him by this Act. Such director's term of office shall expire at the end of each regular session of the legislature. Such director shall be subject to removal by the appointive power for cause upon reasonable notice and opportunity to be heard. Should a vacancy occur by reason of death, disability, removal or other cause, the vacancy created thereby shall be filled by the appointive power and the director so appointed shall serve for the unexpired term. Before entering upon the discharge of his official duties, the director of the state budget shall take, subscribe and file with the secretary of state his oath as prescribed by the constitution, for the faithful discharge of the duties imposed upon him by this Act. The state budget board shall fix the salary of the director and the compensation of employees, and shall reimburse such director for his actual traveling and maintenance expenses necessarily incurred in the performance of his official duties provided, however:

1. That the salary and expenses of the director and the compensation made to employees shall not exceed the amount appropriated for said purposes.
2. That all claims for compensation for travel and maintenance expenses must be itemized and approved by

the chairman of the budget board and must be duly presented to the state auditing board for audit and payment in the manner provided by law.

§ 2. POWERS AND DUTIES OF THE DIRECTOR OF THE STATE BUDGET.] The director of the budget shall have the power and duty:

1. To investigate, examine and make an exhaustive study;
 - a. of the structure and operation of the entire state government and of every office and agency thereof;
 - b. of all of the functions, duties and services of all state offices, departments, institutions, industries, boards, bureaus and commissions;
 - c. of all of the books, records and methods of accounting of each office or agency of the state to ascertain and determine whether their policies, practices and systems of accounting are sound, necessary, practical and efficient.
2. To examine and consider all of the actual revenue requirements and requests for appropriations made by each official and agency of the state government and to make such recommendations to the state budget board as he shall determine to be necessary and advisable to secure a greater degree of economy and efficiency in governmental expenditures.
3. To prepare and submit to the state budget board:
 - a. Such reports of estimates or revenue requirements of all officials and agencies of the state as said board may require.
 - b. To prepare and submit a bi-annual report to the state budget board at least sixty days prior to the commencement of the ensuing legislative session, which report shall contain definite and specific proposals and recommendations to accomplish the following purposes:
 1. To simplify the entire governmental structure of the the state so as to render it more economical and efficient;
 2. To eliminate all obsolete and unnecessary offices, departments, institutions, boards, bureaus and commissions of the state;

3. To consolidate the functions, services and activities of all state offices and agencies thereof so as to eliminate duplication of service and expense wherever it exists;
4. To correlate the functions and services of the several offices and agencies of the state government;
5. To eliminate obsolete methods, unnecessary functions and services carried on by the state government and to render those functions and services which are determined to be absolutely essential, more economical and efficient;
6. To assist the state budget board and legislative assembly in the preparation of the budget and the formulation of the public policy in the administration of governmental affairs with the objective of establishing the highest degree of efficiency consistent with the maximum degree of economy, to assure the citizens of this state that they will receive the best governmental service at the minimum possible cost.

§ 3. SUPERVISION OF THE DUTIES OF DIRECTOR.] The director of the budget shall maintain his office in the capitol at Bismarck. He shall perform his official duties under the supervision and direction of the state budget board. That said board shall transmit a copy of the bi-annual report, prepared by the director of the budget, to every member of the legislative assembly at least thirty days prior to the commencement of the ensuing session for its consideration and enactment into law of such proposals and recommendations as it shall determine to be sound, necessary and practical to assure a greater degree of efficiency and economy in the administration of all governmental functions of the state.

§ 4. OFFICE AND EMPLOYEES.] The state budget board shall provide the director of the state budget with an office in the state capitol and shall furnish such stenographic and clerical assistance as, in their judgment, he may require in the performance of his official duties.

§ 5. APPROPRIATION.] There is hereby appropriated to the state budget board out of any monies 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 the administration of this Act for the biennium beginning with July 1st, 1947, and ending June 30th, 1949, to-wit:

Salary of Director	\$ 12,000.00
Travel and maintenance expense	3,000.00
Clerk hire	4,000.00
Miscellaneous Expenses	1,000.00
Total	\$ 20,000.00

§ 6. AMENDMENT.] That Section 54-1504 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

54-1504. BUDGET BOARD ORGANIZATION MEETING: CHAIRMAN; SECRETARY; RECORDS The state budget board shall meet and organize in the governor's office at the state capitol at the call of the governor within thirty days after the close of each regular session of the legislature, and at such other times and places as the governor, or a majority of the board, may from time to time determine. The governor shall be chairman of the board and the state auditor shall be its secretary. The secretary shall keep the minutes of the board and shall record them in a suitable book to be kept for that purpose. The minutes of the board shall be a public record and at all times shall be open to public inspection.

Approved March 21, 1947.

CHAPTER 331

S. B. No. 112—(Morgan, Murry, Feton and Wolf)

RETIREMENT OF EMPLOYEES OF STATE CHARITABLE OR PENAL INSTITUTIONS

AN ACT

Providing for the retirement of employees of state charitable or penal institutions, fixing the retirement pay and providing for biennial budget.

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

§ 1. EMPLOYEES ELIGIBLE TO RETIREMENT.] A person who shall have been employed by the State of North Dakota in a state charitable or penal institution for a period of thirty years or more, and who shall have attained the age of sixty-five years may upon request be placed upon a retirement list, which shall hereafter be kept by each state charitable or penal institution. The request shall be made in writing and addressed to the superintendent or other managing officer of such state charitable or penal institution, who shall forthwith ex-

amine the request and shall certify such employee as qualified for retirement, if within the terms of this act.

§ 2. RETIREMENT PAY.] When eligible for retirement, each employee shall be entitled to the payment of a wage equal to one-half of the average monthly salary or wages paid such employee during the ten years next preceding his or her retirement. Such monthly retirement wage shall be paid out of the salaries and wages account of the institution formerly employing such person.

§ 3. BUDGET.] The superintendent or other managing officer of each state charitable or penal institution in preparing the biennial budget shall include therein amounts equal to the sum which may reasonably be expected to be paid as retirement wages during the biennium.

Approved February 27, 1947.

CHAPTER 332

S. B. No. 198

(Bridston, Brunsdale, Strelbel, Morgan and Murry)

PERMANENT APPROPRIATIONS FOR BUILDINGS, ADDITIONS AND PERMANENT IMPROVEMENTS FOR ALL CHARITABLE, PENAL AND EDUCATIONAL INSTITUTIONS

AN ACT

Making permanent all appropriations hereafter made at any session by the legislative assembly of the State of North Dakota, for buildings, additions, and permanent improvements for all charitable, penal and educational institutions of this state.

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

§ 1. The appropriations hereafter made by any 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 such appropriation at the end of the biennium for which it was appropriated shall not revert to the general fund, but shall constitute a revolving fund, any provision in such appropriation measures to the contrary notwithstanding.

Approved March 20, 1947.

SUCCESSION AND WILLS

CHAPTER 333

H. B. No. 162—(Ohnstad)

**DESCENT OF PROPERTY DEVISED OR BEQUEATHED TO ANY CHILD
OR OTHER RELATIVE WHERE LATTER DIES BEFORE THE
TESTATOR LEAVING LINEAL DESCENDANTS**

AN ACT

Amending and Reenacting Section 56-0420 of the North Dakota Revised Code of 1943, Relating to the Descent of Property Devise or Bequeathed to any Child or other Relative of the Testator in Cases where the Devisee or Legatee Dies before the Testator Leaving Lineal Descendants, and Declaring an Emergency.

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

§ 1. AMENDMENT.] Section 56-0420 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

56-0420. IN CASE OF DEATH BEFORE TESTATOR DESCENDANTS OF DEVISEE OR LEGATEE TAKE.] When any estate is devised or bequeathed to any child or other relative of the testator, and the devisee or legatee dies before the testator leaving lineal descendants, such descendants take the estate so given by the will in the same manner as the devisee or legatee would have done had he survived the testator.

§ 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 15, 1947.

TAXATION

CHAPTER 334

H. B. No. 45

(Langley and Legislative Research Committee
at request of State Treasurer)

COLLECTIONS AND REFUNDS OF ESTATE TAXES

AN ACT

To amend and reenact Section 57-3724 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 295 of the Session Laws of North Dakota for the year 1945, relating to collections of estate taxes and refunds therefrom.

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

§ 1. AMENDMENT.] That Section 57-3724 of the North Dakota Revised Code of 1943, as amended and reenacted by Chapter 295 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

57-3724. COLLECTIONS OF TAX; REFUNDS.] The county treasurer in the county where the probate is had shall collect the tax levied under this chapter, and shall certify the same to the county auditor at the end of each calendar month. He shall pay over to the state treasurer thirty-five per cent of such tax, and shall retain sixty-five per cent thereof, which he shall deposit to the credit of the general fund of the county. In all cases wherein no county court has jurisdiction, the amount of the tax shall be determined by the tax commissioner, and the state treasurer shall collect the same, deposit thirty-five per cent of the amount received to the credit of the general fund of the state and apportion the remaining sixty-five per cent thereof to the respective county treasurers of the counties in which is located the property base of such tax, each of whom shall deposit the sum so received by him to the general fund of his county. No executor, administrator, or trustee shall be entitled to a final discharge in an estate in settlement of which taxes are due, unless he shall produce a receipt showing the payment of such tax. In case an overpayment of such tax has been made, such overpayment shall be repaid out of any estate tax funds in the hands of the county treasurer, upon an order of the county court approved by the tax commissioner. The county treasurer shall thereupon present and file with the state treasurer a verified claim

for thirty-five per cent of such overpayment of estate taxes accompanied by a certified copy of the order of the county court for such refund and the approval of the state tax commissioner and a copy of the receipt of such refund by the person or persons to whom such refund was paid. The state treasurer shall present such verified claim to the state auditor and the same shall be paid upon approval by the state auditing board.

In any case where the state treasurer has collected the entire estate tax, a refund of the whole overpayment shall be made by the state treasurer upon receipt of a verified claim by the party making such overpayment accompanied by a certified copy of the order of refund made by the state tax commissioner. The state treasurer thereupon shall file a certified copy of such order with the county treasurer and the county treasurer shall remit to the state treasurer the county's proportionate liability of such refund.

Approved February 11, 1947.

CHAPTER 335

S. B. No. 120—(Brant)

ESTATE TAX—GROSS ESTATE OF RESIDENT DECEDENT

AN ACT

To amend and re-enact Section 57-3702 of the North Dakota Revised Code of 1943, relating to gross estate of resident decedent, including insurance carried by decedent, repealing Chapter 303 of the 1945 Session Laws.

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

§ 1. AMENDMENT.] That Section 57-3702 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

57-3702. GROSS ESTATE OF RESIDENT DECEDENT.] That the value of the gross estate of a resident decedent shall be determined by including the following property:

1. All real property within this State;
2. All tangible personal property, except that which has an actual situs without this State;
3. All intangible personal property wherever located;

4. The net proceeds of all life insurance carried by the decedent at the time of his death in excess of \$25,000,00, whether made payable to his estate, the widow, heirs, individuals, or trusts.

§ 2. REPEAL.] That all acts or parts of acts in conflict herewith are hereby repealed and specifically repealing Chapter 303 of the 1945 Session Laws relating to the same subject matter.

Approved March 6, 1947.

CHAPTER 336

S. B. No. 122—(Lynch)

STATE INCOME TAX LAW DEFINITIONS— 'CAPITAL ASSETS'— 'DATE EFFECTIVE'

AN ACT

To amend and reenact Section 4 of Chapter 306 of the 1945 Session Laws relating to definitions under the State Income Tax Law and particularly capital assets, and date effective.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 306 of the 1945 Session Laws be amended and reenacted to read as follows:

1. CAPITAL ASSETS.] The term "capital assets" means property held by the taxpayer, but does not include stock in trade of the taxpayer or other property of the kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

2. CAPITAL GAINS.] The term "capital gains" means gain from the sale or exchange of a capital asset held for more than six months.

3. CAPITAL LOSS.] The term "capital loss" means loss from the sale or exchange of a capital asset held for more than six months.

4. DATE OF EFFECT.] In order not to break up the calendar year, this act shall be effective on all income re-

ceived during the year ending December 31, 1947, and on all income thereafter.

Approved February 15, 1947.

CHAPTER 337

S. B. No. 261—(Nordhougen, Page, Strelbel and Brant)

DEFINITION STATE INCOME TAX LAW—'GROSS INCOME'

AN ACT

To amend and reenact Subsection 1 of Section 57-3817 of the North Dakota Revised Code of 1943, Defining Gross income, and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Subsection 1 of Section 57-3817 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

§ 57-3817. GROSS INCOME DEFINED.] The words "gross income" include: 1. Gains, profits, and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property, and from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit; provided, however, that a producer of agricultural products entering into a contract or agreement with any Federal agency, bureau, commission or department, under any law or executive or administrative order regulating the marketing of the product, or providing for any loan or bonus thereon, or with any person, firm or corporation for the sale thereof, may elect to consider the proceeds thereof as gross income during the year in which the contract agreement or sale was entered into, or the year in which any final payment is made thereon;

§ 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 21, 1947.

CHAPTER 338

H. B. No. 207—(Brickner, Brady)

INCOME TAX RECIPROCITY

AN ACT

To amend and reenact Subsection 2 of Section 57-3804 of the North Dakota Revised Code of 1943, providing for reciprocity in regard to income tax.

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

§ 1. AMENDMENT.] That Subsection 2 of Section 57-3804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. The compensation received for services performed within this state by an individual who resides and has his place of abode and place to which he customarily returns at least once a month in another state, shall be excluded from gross income to the extent such compensation is subject to an income tax imposed by the state of his residence; provided that such state allows a similar exclusion of compensation received by residents of North Dakota for services performed therein, or a credit against the tax imposed on the income of residents of this state substantially similar in effect. Compensation received by residents of this state for services performed without this state shall be excluded from gross income to the extent that such compensation is subject to an income tax imposed by the state in which such services are performed; or a credit against the tax imposed on the income of residents of this state substantially similar in effect.

Approved March 7, 1947.

CHAPTER 339

H. B. No. 107—(Smart, Lindberg, Lawson, Mollet, Moerke and Bubel)

DUTY OF INDIVIDUALS TO MAKE INCOME TAX RETURN**AN ACT**

To amend and reenact Subsection 1 of Section 57-3831 of the North Dakota Revised Code of 1943, relating to duty of individuals to make return.

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

§ 1. AMENEDMENT.] That Subsection 1 of Section 57-3831 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Each individual subject to taxation under the provisions of this chapter, having a net income during the income year of five hundred dollars or over, if single, or if married and not living with husband or wife, or having a net income for the fiscal year of fifteen hundred dollars or over, if married and living with husband or wife, and every individual having a gross income during the income year of five thousand dollars or more, regardless of the amount of his net income, shall make a return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, stating specifically the items of his gross income and the deductions and exemptions allowed by this chapter and claimed by him.

Approved March 3, 1947.

CHAPTER 340

H. B. No. 311—(Haugen and Bagge)

MINERAL RIGHTS PRIVILEGE TAX**AN ACT**

Imposing a privilege tax upon the right to mineral rights in real property when severed from the surface right therein by reservation in deeds conveying the surface rights without developing them by mining operations; providing for the levy and collection thereof, providing for the distribution thereof; and declaring an emergency.

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

§ 1. PRIVILEGE TAX IMPOSED.] For the privilege of holding mineral rights in real property when severed from the surface rights therein by reservations in deeds conveying such surface rights without development thereof by mining operations, there is hereby imposed annually an excise tax of three cents per acre measured by the number of acres in the tract conveyed or in the rights reserved, in case such reservation in a reservation of mineral rights in or underlying a less acreage, in which case the lesser number of acres shall determine the tax.

When such mineral rights are developed by mining operations, such excise tax shall cease. This excise tax shall not apply to mineral leases held for development purposes.

§ 2. LEVY AND COLLECTION.] The Register of Deeds shall furnish the County Auditor with such information as is contained in his office and as will enable said Auditor to prepare a list setting forth the mineral rights as described in Section 1 of this Act, together with the name and address of the holder of such mineral right when severed from the surface right. The County Auditor shall place such mineral reservations upon the tax rolls of his county and shall levy the tax hereby imposed against the owner of such mineral reservations as may appear from said records. Such tax so levied and shown by the tax rolls shall be collected by the county treasurer as property ad valorem taxes are collected. Such tax shall be subject to a lien upon the mineral reservation only as ad valorem taxes upon the surface rights are subject to a lien, and such lien shall be enforced in like manner as ad valorem tax liens are enforced.

§ 3. DISTRIBUTION OF TAX.] Each county treasurer shall apportion such tax when collected to the school district and the township in which the mineral reservation lies, in the

ratio which the tax levy of said school district and township have to the total levies of both the school district and township.

§ 4. EMERGENCY.] This Act is hereby declared to be an emergency measure and it shall be in full force and effect from and after its passage and approval.

Approved March 22, 1947.

CHAPTER 341

H. B. No. 223—(Bubel and Fitch)

DESTRUCTION CERTAIN OLD GASOLINE TAX RECORDS

AN ACT

Providing for the destruction by the state auditor of applications for license to purchase tax exempt gasoline and receipts for the purchase of tax exempt gasoline more than six years old.

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

§ 1. Whenever necessary to obtain needed vault space, the state auditor may destroy the following records, more than six years old, to-wit:

(a) Applications for license to purchase tax exempt motor fuel filed in the office of state auditor.

(b) Report by licensee as to amount of exempt motor fuel purchased and dealers' receipts filed with the state auditor by the licensee.

(c) Receipts for sale of tax exempt motor fuel filed by importing dealers in lieu of the payment by such dealer of the motor fuel tax.

Approved March 10, 1947.

CHAPTER 342

H. B. No. 105

(Lindberg, Haugen, Lawson, Mollet, Moerke, Bubel,
Dalzell and Einarson)

REFUND CLAIMS MOTOR VEHICLE FUEL TAX

AN ACT

To amend and reenact Section 2 of the initiated measure approved November 4, 1946 relating to claims for refund on motor vehicle fuel tax and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 2 of the motor vehicle fuel tax initiated measure be amended and reenacted to read as follows:

2. Such claim shall be in a form furnished by the state auditor and shall have a written declaration by the claimant that it is made under the penalties of perjury. It shall have attached thereto the original invoice or invoices showing the purchase of the motor vehicle fuel on which a refund is claimed, shall state the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the total amount of such motor vehicle fuel, that the purchase price thereof has been paid and that in said price was included the motor vehicle fuel tax payable to the State of North Dakota under Chapter 57-41, Revised Code of North Dakota for 1943, and under the initiated measure approved November 7, 1944, relating to the tax on motor vehicle fuels, that such motor vehicle fuel was used by the claimant otherwise than in motor vehicles operated or intended to be operated upon the public highways of this state, the manner in which said motor vehicle fuel was used, the equipment in which such motor vehicle fuel was used and such other information as the state auditor shall require. In the event the original invoice or invoices are lost, the claimant may furnish, in lieu thereof, duplicate invoices together with a separate affidavit on forms prescribed by the state auditor.

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

Approved March 15, 1947.

CHAPTER 343**H. B. No. 224—(Bubel and Fitch)**

**RULES AND REGULATIONS MOTOR VEHICLE FUEL TAX AND MOTOR
FUEL USE TAX****AN ACT**

Authorizing the state auditor to formulate rules and regulations relating to motor vehicle fuel tax and motor fuel use tax, and declaring an emergency.

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

§ 1. STATE AUDITOR MAY FORMULATE RULES.] The state auditor may formulate such reasonable rules and regulations as he may deem necessary for the administration and enforcement of Chapter 57-41 of the North Dakota Revised Code of 1943 as amended, relating to motor vehicle fuel tax, and Chapter 57-42 of the North Dakota Revised Code of 1943 as amended, relating to motor fuel use tax.

§ 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, 1947.

CHAPTER 344

H. B. No. 193

(McInnes, Arndt, Einarson, Langley, Bagge, Walster, Johnson (Cass), Collette, Johnson (Griggs), Fleck, Holand, Severson and Grenier)

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:

§ 1. DEFINITIONS.] The following words, terms, and phrases, when used in this Act, have the meanings 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 such 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 personal property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall 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 admissions 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 or property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, further, 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 actu-

ally 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.

§ 2. TAX IMPOSED.] There is hereby imposed, beginning the first day of July, 1947 and ending the 30th day of June, 1949 a tax of two per cent upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Act, sold at retail in the State of North Dakota to consumers or users; a like rate of tax upon the gross receipts from the sales, furnishing or service of steam, gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing steam, gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this Act, when sold at retail in the state of North Dakota to consumers or users; and a like rate of tax upon the gross receipts from all sales of tickets or admissions to places of amusement and athletic events and the playing of a record on a vending machine, in response to a coin placed in a slot, except as otherwise provided in this Act. The tax herein levied shall be computed and collected as hereinafter provided.

§ 3. EXEMPTIONS.] There are hereby specifically exempted from the provisions of this Act and from computation of the amount of tax imposed by it, the following:

1. The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state;
2. The gross receipts from the sales, furnishing or service of transportation service;
3. The gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;

4. The gross receipts from sales of tickets or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;
5. The gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs; and
6. Gross receipts from sales of tangible personal property or from furnishing or service of steam, gas, electricity, water, and communication service to the United States, state of North Dakota, or any of its subdivisions, departments or institutions, any county, city, village, township, school district, park district, or municipal corporations.

§ 4.] Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off, for income tax purposes may be credited upon subsequent payment of the tax herein provided; provided, that if such accounts are hereafter collected by the retailer, a tax shall be paid upon the amount so collected. The provisions of this Act shall not apply to sales of gasoline, cigarettes, snuff, insurance premiums, or any other product or article upon which the state of North Dakota may now or hereafter impose a special tax.

§ 5. CREDIT TO RELIEF AGENCY AND LOCAL GOVERNMENTAL UNITS.] A relief agency may apply to the commissioner for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy. Such refunds may be obtained only in the following amount and in the manner and only under the following conditions.

1. On forms furnished by the commissioner, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the commissioner the total amount or amounts, valued in money, expended directly or indirectly for goods, wares, or merchandise used for free distribution to the poor and needy;
2. On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency; and

3. The relief agency must prove to the satisfaction of the commissioner that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this Act, based upon such computation of gross receipts.

If the commissioner is satisfied that the foregoing conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

§ 6.] 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.

Agreements between competing retailers, or the adoption of appropriate rules and regulations by organizations or associations of retailers to provide uniform methods for adding such tax or the average equivalent thereof, and which do not involve price fixing agreements otherwise unlawful, and which shall first have the approval of the commissioner, are expressly authorized and shall be held not to be in violation of any anti-trust laws of this state.

§ 7. UNLAWFUL ACTS.] No retailer shall advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Act shall be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer, or if added, that it or any part thereof will be refunded.

§ 8. RECORDS REQUIRED.] Every retailer required to make a report and pay any tax under this Act, shall preserve such records of the gross proceeds of sale as the commissioner may require and every retailer shall preserve for a period of two years all invoices and other records of goods, wares, or merchandise purchased for resale. All such books, invoices, and other records shall be open to examination at any time by the commissioner or any of his duly authorized agents.

§ 9. RETURN OF GROSS RECEIPTS.]

1. On or before the twentieth day of the month following the close of the first quarterly period as defined in the following section, and on or before the twentieth day of the month following each subsequent quarterly period of three months, the retailer shall make out a return for the preceding quarterly period

in such form and manner as may be prescribed by the commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the commissioner may require to enable him correctly to compute and collect the tax herein levied. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in Section 10 of this Act shall be extended for the same period;

2. The commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this Act, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of Section 10 or elsewhere to the contrary notwithstanding;
3. Returns shall be signed by the retailer or his duly authorized agent.

§ 10. PAYMENT OF TAX, BOND, CREATION OF LIEN.]

1. The tax levied under the provisions of this Act shall be due and payable in quarterly installments on or before the twentieth day of the month next succeeding each quarterly period, the first of such period being the period commencing with July 1, 1947;
2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the commissioner the tax due for the preceding period;
3. The commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this Act, may require any person subject to such tax to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility, in such amount as the commissioner may fix, to secure the payment of any tax and penalties due or which may become due from such person. In lieu of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and penalties due. Upon

any such sale, the surplus, if any, above the amounts due under this provision shall be returned to the person who deposited the securities.

§ 11. LIEN OF TAX; COLLECTION; ACTION AUTHORIZED.] Whenever any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied.

In order to preserve the aforesaid lien against subsequent mortgages, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the tax commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien.

The register of deeds of each county shall prepare and keep in his office a book known as "Index of Tax Liens", so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

1. The name of the taxpayer;
2. The name 'State of North Dakota' as claimant;
3. Time notice of lien was received;
4. Date of notice;
5. Amount of lien then due; and
6. When satisfied.

The register of deeds shall 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

acommissioner forthwith shall file with said register of deeds a satisfaction of said tax and the register of deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The attorney general, upon the request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any penalties, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending.

It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the tax commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

The technical, legal requirements outlined in this section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self-explanatory.

Remittances on account of tax due under this Act shall not be deemed or considered payment thereof unless or until the commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

§ 12. PERMITS; APPLICATION AND FEE FOR.]

1. No person shall engage in or transact business as a retailer within this state unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority;

2. At the time of making such application, the applicant shall pay to the commissioner a permit fee of fifty cents for each permit, and the applicant shall have a permit for each place of business;
3. Upon the payment of the permit fee, or fees herein required, the commissioner shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued;
4. Permits issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the commissioner;
5. Whenever the holder of a permit fails to comply with any of the provisions of this 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;
7. All permits in effect at the time this Act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided.

§ 13. FAILURE TO FILE RETURN; INCORRECT RETURN.]
If a return required by this Act is not filed, or if a return when filed is incorrect or insufficient and the maker fails to file a corrected or sufficient return within twenty days after the same is required by notice from the commissioner, such commissioner shall determine the amount of tax due from such information as he may be able to obtain, and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and other factors. The commissioner shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax finally and irrevocably unless the person against whom it is assessed, within thirty days after the giving of notice of such determination, shall apply to the commissioner for a hear-

ing or unless the commissioner of his own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the commissioner shall give notice of his decision to the person liable for the tax.

§ 14. APPEALS.]

1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the commissioner of his determination as provided for in the preceding section;
2. The appeal shall be taken by a written notice to the commissioner and served as an original notice. When said notice is so served it shall be filed with the return thereon in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court;
3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the commissioner. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the commissioner to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

§ 15. SERVICE OF NOTICE.]

1. Any notice, except notice of appeal, 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 the giving of notice shall commence to run from the date of registration and posting of such notice;

2. The provisions of the laws of this state relative to the limitation of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Act.

§. 16. PENALTIES, OFFENSES.]

1. Any person failing to file a return or corrected return or to pay any tax within the time required by this Act, shall be subject to a penalty of five per cent of the amount of tax due, plus one per cent 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.

§ 17.] The tax commissioner is hereby charged with the administration of this Act and the taxes imposed thereby. Such commissioner may prescribe all rules and regulations not inconsistent with the provisions of this Act, necessary and advisable for its detailed administration and to effectuate the purposes, including the right to provide for the issuance and sale by the state of coupons covering the amount of tax or taxes to be paid under this Act, if such method is deemed advisable by said commissioner.

§ 18.] All fees, taxes, interest, and penalties imposed and collected under this Act shall be paid to the commissioner in the form of remittance payable to the treasurer of the state of North Dakota, and said commissioner shall transmit each payment monthly to the state treasurer to be deposited in the state treasury to the credit of a fund to be known as the retail sales tax fund, which fund is hereby created and established.

§ 19. GENERAL POWERS.]

1. The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and receipts of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by him, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to ad-

minister oaths, to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records and documents relating to any matter which he shall have the authority to investigate or determine;

2. Where the commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed the taxpayer. In all other cases the cost shall be paid by the state;
3. The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer, they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the commissioner to the state treasurer, who shall issue warrants for the amount of said costs, to be paid out of the proceeds of the taxes collected under this Act;
4. In case 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 a contempt thereof;
5. Testimony on hearings before the commissioner may be taken by a deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

§ 20.]

1. The commissioner may appoint such agents, auditors, clerks, and employees as he may deem necessary and fix their salaries and compensation and prescribe their duties and powers, and said commissioner may remove such agents, auditors, clerks and employees so appointed by him. The number of inspectors appointed shall not exceed ten, each of whom shall have had at least three years experience in the auditing and checking of books of account;

2. All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law;
3. The commissioner may require such of the officers, agents and employees as it may designate to give bond for the faithful performance of the duties in such sum and with such sureties as it may determine and the state shall pay, out of the proceeds of the taxes collected under the provisions of this Act, the premiums on such bonds;
4. The commissioner may utilize the office of the treasurer of the various counties in order to administer this Act and effectuate its purposes, and may appoint the treasurers of the various counties its agents to collect any or all of the taxes imposed by this Act. No additional compensation shall be paid to said treasurer by reason thereof.

§ 21. INFORMATION DEEMED CONFIDENTIAL.] It shall be unlawful for the commissioner, or any person having an administrative duty under this Act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by fine not to exceed one thousand dollars.

§ 22. CORRECTION OF ERROR.] If it shall appear that, as a result of mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this Act, then such amount shall be credited against any tax due, or to become due, under this Act from the person who made the erroneous payment, or such amount shall be refunded to such person by the commissioner.

§ 23.] Wherever by any provisions of this Act a refund is authorized, the commissioner shall certify the amount of

the refund, the reason therefor and the name of the payee to the state auditor, who shall thereupon draw his warrant on the retail sales tax fund in the amount specified payable to the named payee.

§ 24. ALLOCATION OF REVENUE.] All moneys collected and received under this Act shall be paid into the state treasury and shall be credited by the state treasurer into a special fund to be known as "the retail sales tax fund". Out of this fund the state treasurer shall first provide for the payment of refunds allowed under this Act. The net amount of moneys remaining in said "retail sales tax fund" shall be a special trust fund to be used and disbursed solely for the following purposes:

1. That 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 purposes authorized by law; provided, however, that appropriations made from the general fund to be expended by said public welfare board shall constitute and include appropriations from said five-twelfths share of said trust fund;
2. The state treasurer and state auditor shall make monthly transfers of all the amounts available in said trust fund, in the proportions provided herein to the state equalization fund and to be expended by said public welfare board as provided by law.

§ 25.] All monies now in the retail sales tax fund created by Chapter 308 of the Session Laws of 1945, or collected pursuant to the provisions of said chapter, are hereby appropriated and transferred into the retail sales tax fund created by this Act, and shall be allocated and used as herein provided.

§ 26. SAVINGS CLAUSE.] If any section, subsection, clause, sentence, or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act, and each section, subsection, clause, sentence or phrase hereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases, be declared unconstitutional.

Approved March 15, 1947.

CHAPTER 345

S. B. No. 133
(Krenz)

USE OF SCHOOL DISTRICT BUILDING FUNDS**AN ACT**

To amend and reenact subsection 1 of section 57-1517, of the North Dakota Revised Code of 1943, relating to building funds of school districts and the use of the same, and declaring an emergency.

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

§ 1. AMENDMENT.] That Subsection 1 of Section 57-1517 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. All revenues accruing from appropriations or tax levies for a school building fund, together with such amounts as may be realized for building purposes from all other sources, shall be placed in a separate fund known as a school building fund, and shall be deposited and held as the sinking funds of such school district are held. Such funds shall be used solely and exclusively for the purpose of erecting new school buildings, or additions to old school buildings, or major repairs of existing buildings, and shall be paid out by the custodian thereof only upon order of the school board, signed by the president and the clerk of said school district; such order must recite upon its face the purpose for which such payment is made.

§ 2. 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 6, 1947.

CHAPTER 346

H. B. No. 31

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction)

EXPENDITURE LIMITATION SCHOOL DISTRICT SPECIAL RESERVE
FUND, ETC.

AN ACT

To amend and reenact Sections 57-1907 and 57-1908 of the North Dakota Revised Code of 1943 relating to the limitations on the amount drawn from the special reserve fund that may be created by school districts; providing for tax collections to restore such fund and relating to the personal liability of school district officers for such fund.

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

§ 1. AMENDMENT.] That Section 57-1907 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1907. LIMITATION ON AMOUNT DRAWN FROM FUND; TAX COLLECTIONS USED TO RESTORE FUND.] The amount of outstanding, unredeemed vouchers shall never exceed in the aggregate a sum equal to seventy-five per cent of the uncollected taxes for the current and four preceding years which are apportionable to the general fund of such school district. Such vouchers, in the hands of the county treasurer, shall be redeemed from the collections of such uncollected taxes. A tax shall be deemed to have been levied when it has been voted by the school board and certified to the county auditor. Whenever there are unredeemed vouchers in such voucher registry, the county treasurer shall first apply the proceeds of the collections of that portion of any unencumbered uncollected tax which would otherwise be apportionable to the general fund of the school district to the redemption of such vouchers in the order listed in such register, and shall deposit such sum in the special reserve fund and mark the voucher and the entry in the register as "redeemed," and thereupon shall return to the governing body of the school district such voucher, marked "redeemed," and signed by the county treasurer. Any balance of collections apportionable to the general fund of the school district remaining after redemption of all such vouchers, shall be paid to the school district in the manner now provided by law.

§ 2. AMENDMENT.] That Section 57-1908 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1908. OFFICERS PERSONALLY LIABLE; WHEN.] Any school district official knowingly and willfully causing to be issued a voucher in excess of the limit provided in Section 57-1907, or any county treasurer honoring such a voucher, or transferring from such special reserve fund moneys in excess of seventy-five per cent of the unencumbered uncollected taxes for the current and four preceding years apportionable to the general fund of the school district, or paying over to the school district any such funds without the redemption of any outstanding vouchers, shall be personally liable for the sum involved.

Approved March 1, 1947.

CHAPTER 347

S. B. No. 52

(Brant for Legislative Research Committee at request of Division of Aeronautics)

CITY TAX LEVY FOR AIRPORTS

AN ACT

To permit a levy of three mills for airport purposes, in excess of all other levies permitted by law.

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

§ 1. TAX LEVY FOR AIRPORT PURPOSES.] In cities supporting airports for which no levy has been made by a park board or other taxing districts within the corporate limits of such city, a levy in addition to all other levies permitted by law, but not to exceed three mills on the net taxable assessed valuation of property in such city, may be made for such purpose for a period not to exceed two years after the passage and approval of this Act.

Approved March 11, 1947.

CHAPTER 348**H. B. No. 290****(Benno, Brickner, Fleck and Klefstad)**

TAX LEVY FOR AIRPORT PURPOSES IN VILLAGES AND PARK DISTRICTS**AN ACT**

To permit a levy of four mills for airport purposes by villages, and park districts in excess of all other levies permitted by law.

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

§ 1.] In villages and park districts supporting airports, a levy in addition to all other levies permitted by law but not to exceed four mills on the net taxable assessed valuation of property in such village, or park district may be made for such purpose; provided, however, that said levy may be made by not more than one of the said political subdivisions in any one taxing district.

Approved March 10, 1947.

CHAPTER 349**S. B. No. 209****(Bridston and Morgan)**

TAX LEVIES FOR CONSTRUCTION FUNDS IN CITIES AND VILLAGES**AN ACT**

To amend and reenact chapter 313 of the session laws of North Dakota for the year 1945 relating to tax levies for construction funds in cities and villages, and declaring an emergency.

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

§ 1. AMENDMENT.] Chapter 313 of the session laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

§ 1. TAX LEVY FOR CONSTRUCTION FUND IN CITIES OR VILLAGES.] The governing body of any city or village may levy taxes annually for a period not to exceed ten successive years for an construction fund, not in excess of five mills,

which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty per cent of the electors voting upon the question at a regular or special election in any city or village which, at the time of making the annual levy, has not outstanding unpaid certificates of indebtedness, and in which the limitation of levy has not been increased from the basic mill rate. Such construction fund shall be used for paying all or part of the construction of waterworks systems, sewage systems, public buildings, or any other public improvements for which cities or villages are authorized by law to pay for from general tax levies, and the governing body of any city or village, when submitting to the electors of the city or village, the question of authorizing the aforesaid tax levy, shall specify the purposes for which said construction fund is to be used. The governing body of such city or village may create such building fund by appropriating and setting up in its budget, for such an amount not in excess of twenty per cent of the current annual appropriation for all other purposes combined, exclusive of the appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law.

§ 2. DISPOSITION OF CONSTRUCTION FUND TAX.] Revenues raised for construction purposes shall be disposed of as follows:

1. All revenues accruing from appropriations or tax levies for a construction fund, together with such amounts as may be realized for construction purposes from all other sources, shall be placed in a separate fund known as a city or village construction fund, and shall be deposited and held as the sinking funds of such cities or villages are held. Such fund shall be used solely and exclusively for the purpose of constructing waterworks systems, sewage systems, public buildings or such other public improvements as the electors may have authorized, and shall be paid out by the custodian thereof, only upon order of the governing body of such city or village, signed by the mayor, president board of city commissioners or chairman of the board of village trustees and the city auditor or clerk of said city or village; such order must recite upon its face the purpose for which such payment is made;
2. Any moneys remaining in a construction fund after the completion of the payments for any city or village construction fund project which has cost seventy-five percent or more of the amount in such construction fund at the time of letting the contracts therefor,

shall be returned to the general fund of the city or village upon the order of the governing body of such city or village;

3. Upon the 1st day of June of each year, the custodian of any city or village construction fund, shall pay into the general fund of such city or village, any moneys which have remained in such fund for a period of ten years or more, the custodian shall consider that all payments which have been paid from the city or village construction fund for building purposes have been paid from the fund first acquired.

§ 4. PENALTY FOR UNLAWFUL WITHDRAWAL OF CONSTRUCTION FUND.] Every officer participating in the unlawful withdrawal of any city or village construction fund, shall be guilty of a misdemeanor, and shall be liable for the loss to such construction fund on his official bond.

§ 5. EMERGENCY.] This act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 350

S. B. No. 243

(Nelson of McKenzie, Schrock and Dahlen)

DISCRETIONARY TAX LEVY "FARM TO MARKET ROAD'S FUND" 1947, 1948 AND 1949

AN ACT

Providing for a discretionary tax levy for the years 1947, 1948, and 1949 to match federal funds available for secondary and farm to market roads, such levy to be in addition to the maximum levy limitation, creating a "farm to market road's fund" and declaring an emergency.

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

§ 1.] 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 ap-

proved by a majority of the electors voting at such election. Such levy shall be over and above the maximum levy authorized by law.

§ 2.] All moneys received from the levy provided for in section 1 of this Act 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 the federal-aid, secondary-aid and farm to market road program.

§ 3.] The additional levy that may be authorized under the provisions of this Act shall be for the fiscal years 1947, 1948, and 1949 only.

§ 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 21, 1947.

CHAPTER 351

S. B. No. 150—(Schrock and Troxel)

TAX LEVY FOR BUILDING FUND IN SCHOOL DISTRICTS

AN ACT

To amend and reenact Section 57-1516 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 311 of the Session Laws of North Dakota for the year 1945, providing for a tax levy for building fund in school districts and providing for an election to authorize the levy of said tax, and authorizing the creation by a school district of a building fund and appropriating to said fund from the budget and limitations on such allowance in the budget, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1516 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 311 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

57-1516. TAX LEVY FOR BUILDING FUND IN SCHOOL DISTRICTS.] The governing body of any school district may levy taxes annually for a school building fund, not in excess of ten mills, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the electors voting upon the ques-

tion at a regular or special election in any school district. The governing body of such school district may create such building fund by appropriating and setting up in its budget for such an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law.

§ 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, 1947.

CHAPTER 352

H. B. No. 103—(Leet, Skaar and Stormon)

TOWNSHIP TAX LEVIES

AN ACT

To amend and reenact Section 57-1519 of the North Dakota Revised Code of 1943, relating to township tax levies and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1519 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1519. TOWNSHIP TAX LEVIES.] The electors of each township shall have power at the annual meeting to vote to raise such sums of money for the repair and construction of roads and bridges, and for all township charges and necessary expenses as they deem expedient, within the limitations prescribed in Section 57-1520, and on the fourth Tuesday in March, or within ten days thereafter, of each year, the board of supervisors of each civil township shall levy annual taxes for the ensuing year, as voted at the annual township meeting, and the tax levy shall be limited by the amount voted to be raised at such annual meeting. The electors, at such annual meeting, may direct the expenditure of the road tax or a part of it, in an adjoining township under the joint direction of the boards of supervisors of the townships interested and furnishing such funds.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 353

H. B. No. 234

(Homelvig, Hogoboom, Roen, Severson, Anderson (McKenzie), and Hegge)

TAX LEVY FOR SURFACING TOWNSHIP HIGHWAYS

AN ACT

Authorizing the electors of organized townships in this state at their annual meeting by a majority vote to provide for a levy, not to exceed eight mills, upon the taxable property within the township, to be used for the surfacing of highways within the township and the fund created thereby to remain as a revolving fund for such highway purposes and to be expended under the direction of the township supervisors; authorizing county commissioners to make such levy for such purpose in unorganized townships within the state; and declaring an emergency.

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

§ 1. The electors of each organized township within this state may at their annual meeting by a majority vote authorize a levy, not to exceed eight mills, upon the valuation of all taxable property within the township, the proceeds of which shall be used for the surfacing of highways within such townships.

Provided, however, that the county commissioners may authorize a levy not to exceed eight mills upon all taxable property within such unorganized townships, to be used for the surfacing of highways within said unorganized townships, as provided herein, under the direction of the county commissioners.

§ 2. The fund so raised by such levy in organized or unorganized townships shall constitute a revolving fund, to be used for the purposes as hereinbefore provided.

§ 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, 1947.

CHAPTER 354**S. B. No. 165—(Lynch and Brant)**

TAX LEVIES IN UNORGANIZED TOWNSHIPS**AN ACT**

To amend and reenact section 57-1521 of the North Dakota Revised Code of 1943, relating to tax levies in unorganized townships and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1521 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1521. TAX LEVIES IN UNORGANIZED TOWNSHIPS.] The board of county commissioners shall have the same jurisdiction in an unorganized township as the board of township supervisors has in an organized township. Such board may levy taxes in an unorganized township for road and bridge purposes and shall make such levy on the fourth Tuesday in July in each year, or within ten days thereafter. Such levy shall have no relation to nor effect upon the county taxes for any purpose levied by the board of county commissioners.

§ 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 20, 1947.

CHAPTER 355

S. B. No. 90—(Brant)

TAX LEVY LIMITATIONS IN CITIES**AN ACT**

To amend and reenact Section 57-1508 of the North Dakota Revised Code of 1943, relating to tax levy limitations in cities and declaring an emergency.

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

§ 1. **AMENDMENT.]** That Section 57-1508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1508. TAX LEVY LIMITATIONS IN CITIES.] The aggregate amount levied for general city purposes shall not exceed such an amount as will be produced by a levy of twenty-one mills on the net taxable assessed valuation of property in the city, provided, that in cities with a population over five thousand they be permitted to levy an additional one-half of one mill for each additional one thousand population in excess of five thousand and provided further that the maximum levy for general city purposes shall not exceed twenty-eight mills, and that in a city supporting a band or public library an additional levy, not to exceed three mills on the net taxable assessed valuation of property in such city, may be made for these purposes.

§ 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, 1947.

CHAPTER 356

S. B. No. 78—(Brant)

TAX LEVY LIMITATIONS IN COUNTIES

AN ACT

To amend and reenact Section 57-1506 of the North Dakota Revised Code 1943, relating to the limitations on county tax levies, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1506. LIMITATIONS ON COUNTY TAX LEVIES.] County tax levies shall be limited as follows:

1. The board of county commissioners shall not levy any taxes for general or special county purposes which will exceed the amount produced by a levy of eighteen mills on the dollar of the net taxable valuation of the county;
2. The board of county commissioners annually shall levy taxes sufficient to meet the obligations of the county for the maintenance of its patients in the charitable institutions of the state, but such taxes shall not exceed the amount produced by a levy rate of one and one quarter mills on the dollar of net taxable valuation. Such levy shall be within the amount produced by the eighteen mill rate, and shall be a paramount charge, to the exclusion of all other budget items, upon the necessary part of the total tax levies; provided that any funds now on hand or hereinafter levied for the purpose of this sub-section shall not, in the discretion of the board of county commissioners, be included in the budget of the county.
3. The eighteen mill limitation shall apply to all tax levies which the county is authorized to levy for general and special county purposes, including taxes levied for road and bridge purposes. Any unexpended balance in the county road fund at the end of the fiscal year may be transferred to a special road fund, except that such special fund shall never exceed the amount a ten mill levy on the assessed valuation of the county would yield, and the balance in said fund

shall not be considered in determining the budget or the amount that may be levied. Such mill limitation shall not apply:

- a. To tax levies made for the purpose of paying the principal and interest on any obligations of the county evidenced by the issuance of bonds:
- b. To tax levies made to pay the county tuition provided for by Section 57-1524;
- c. To taxes levied for the purpose of combating the grasshopper pest, pursuant to Section 4-1501;
- d. To taxes levied for the purpose of combating gophers pursuant to Section 4-1602;
- e. To taxes levied pursuant to any statute which expressly provides that the taxes authorized to be levied therein shall not be subject to the eighteen mill limitations for general and special county purposes; or
- f. To the tax levied pursuant to the provisions of Chapter 42 of the title Education, for support and maintenance of county agricultural and training schools, up to a maximum of two and one quarter mills on the assessed value in the county for such purpose. Nothing herein contained shall be construed to prevent the appropriation of money from the county general fund for the support and maintenance of county agricultural and training schools.

§ 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, 1947.

CHAPTER 357**H. B. No. 123****(Smart, Baker, Benno, Brickner, Culver, Fleck, Haugland and Sticka)****TAX LEVY LIMITATIONS IN PARK DISTRICTS****AN ACT**

To amend and reenact subsection 1 of section 57-1512 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 301 of the Session Laws of North Dakota for the year 1945; relating to levy for park district purposes; and declaring an emergency.

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

§ 1. **AMENDMENT.]** That Subsection 1 of Section 57-1512 of the North Dakota Revised Code of 1943 as amended and reenacted by Section 1 of Chapter 301 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

1. The aggregate amount levied for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, and levies to pay the principal and interest on special assessments assessed and levied against park board properties by other municipalities, shall not exceed such amount as will be produced by a levy of four mills on the dollar of the net taxable assessed valuation of the district for the current year.

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

Approved March 3, 1947.

CHAPTER 358**H. B. No. 121****(Smart, Baker, Benno, Brickner, Culver, Fleck, Haugland and Sticka)****EXEMPTION TAX LEVY LIMITATION FOR SPECIAL ASSESSMENTS
BY POLITICAL SUBDIVISIONS****AN ACT**

To exempt from tax levy limitations county, city, village, school district, park district, and township tax levies for the purpose of paying special assessments against property owned by such political subdivisions; and declaring an emergency.

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

§ 1. POLITICAL SUBDIVISION TAX LEVIES FOR PAYMENT OF SPECIAL ASSESSMENTS EXEMPT FROM LEVY LIMITATIONS.] No tax levy limitations provided by any statute of this state shall apply to tax levies heretofore or hereafter made by any county, city, village, school district, park district, or township for the purpose of paying any special assessments made in accordance with the provisions of Title 40, North Dakota Revised Code of 1943, against property owned by such county, city, village, school district, park district, or township.

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

Approved March 3, 1947.

CHAPTER 359**H. B. No. 26**

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction)

TAX LEVY LIMITATIONS IN SCHOOL DISTRICTS**AN ACT**

To amend and reenact Section 57-1514 of the North Dakota Revised Code of 1943 fixing the tax levy limitations in school districts.

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

§ 1. AMENDMENT.] That Section 57-1514 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1514. TAX LEVY LIMITATIONS IN SCHOOL DISTRICTS.] The aggregate amount levied by any school district, whether common, independent, or special, shall not exceed such amount as will be produced by a levy of twenty-four mills on the dollar of the net assessed valuation of the district, except that:

1. Any school district giving two years of standard high school work may levy taxes not to exceed thirty mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed thirty-three mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed thirty-six mills; and
4. Any school district maintaining a consolidated elementary school may levy taxes not to exceed twenty-seven mills on the dollar of its net taxable valuation, except that where high school work is offered by such school the limitations on the regular high school levy shall apply.

Approved March 14, 1947.

CHAPTER 360

S. B. No. 98—(Brant)

TAX LEVY LIMITATIONS IN TOWNSHIPS; CREATING SPECIAL ROAD FUND, ETC.

AN ACT

To amend and reenact Section 57-1520 of the North Dakota Revised Code of 1943, relating to the tax levy limitations in townships, creating a special road fund, purpose of, funds not to be considered in determining budget, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1520 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1520. TAX LEVY LIMITATIONS IN TOWNSHIPS.] The total amount of the annual tax levy in a civil township, exclusive of levies to pay interest on any bonded debt and to provide a sinking fund to pay and discharge the principal thereof at maturity, shall not exceed such amount as will be produced by a levy of ten mills on the dollar of the net taxable assessed valuation thereof.

§ 2. TOWNSHIP SUPERVISORS MAY TRANSFER FUNDS INTO SPECIAL ROAD FUND; LIMITATIONS.] The board of supervisors, at the time of the annual township meeting, upon resolution, may transfer or set aside a part or all of any funds into a special road fund which fund shall be separate and distinct from all other funds. Such special road fund shall not exceed the sum of one thousand dollars for any one congressional township.

§ 3: USE OF SPECIAL ROAD FUND.] The special road fund provided for in Section 2 of this Act may be expended, at the option of the board of supervisors, for the purpose of road construction, graveling or surfacing.

§ 4. FUNDS NOT CONSIDERED IN DETERMINING BUDGET.] The special road fund that may be created under the provisions of this Act shall not be considered in determining the budget of the amount to be levied for each township fiscal year, for normal tax purposes, but shall be shown in such budget as a special road fund and shall not be deducted therefrom as otherwise provided by law.

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

Approved March 10, 1947.

CHAPTER 361

S. B. No. 79—(Brant)

TAX LEVY LIMITATIONS IN UNORGANIZED TOWNSHIPS

AN ACT

To amend and reenact Section 57-1522 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 304 of the Session Laws of North Dakota for the year 1945, relating to tax levy limitations in unorganized townships, providing that the board of county commissioners may transfer unexpended balances in the road and bridge fund in any unorganized township, limitations thereon, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1522 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 304 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

57-1522. TAX LEVY LIMITATIONS IN UNORGANIZED TOWNSHIPS.] Tax levies in unorganized townships shall be limited as follows:

1. The total tax for road and bridge purposes levied by the board of county commissioners in any unorganized township shall not exceed six mills on the dollar of the net taxable assessed valuation of the township, but this shall not prohibit the levy of general county road and bridge taxes in such unorganized township.

§ 2. BOARD OF COUNTY COMMISSIONERS MAY TRANSFER UNEXPENDED BALANCE IN ROAD AND BRIDGE FUND IN UNORGANIZED TOWNSHIPS; LIMITATIONS.] The Board of County Commissioners, by resolution, may transfer any unexpended balance in the road and bridge fund in any unorganized township to a special road and bridge fund to the credit of such unorganized township. Such special road and bridge fund shall not exceed a sum which would be produced by a levy of six mills on the net taxable valuation of any unorganized town-

ship. Such special road and bridge fund shall not be taken into consideration in determining the budget for the amount to be levied for road and bridge purposes in an unorganized township for the current fiscal year.

§ 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, 1947.

CHAPTER 362

S. B. No. 95—(Brant)

TAX LEVY LIMITATIONS IN VILLAGES

AN ACT

To amend and reenact Section 57-1509 of the North Dakota Revised Code of 1943, relating to the tax levy limitations in villages and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-1509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1509. TAX LEVY LIMITATIONS IN VILLAGES.] The aggregate amount levied for all taxes which any village is authorized to levy, except for those purposes specified in Section 57-1510, shall not exceed such an amount as will be produced by a levy of fifteen mills on the net taxable assessed valuation of property in the village.

§ 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, 1947.

CHAPTER 363

H. B. No. 283
(Thompson and Woollitz)

REPEAL POSTING TOWNSHIP BOARD OF EQUALIZATION NOTICE**AN ACT**

To repeal section 57-0903 of the North Dakota Revised Code of 1943, relating to the posting of notice of the township board of equalization.

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

§ 1. REPEAL.] That Section 57-0903 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 13, 1947

TOWNSHIPS

CHAPTER 364

S. B. No. 144—(Troxel)

ANNUAL TOWNSHIP MEETING—TIME, PLACE, NOTICE**AN ACT**

To amend and reenact section 58-0401 of the North Dakota Revised Code of 1943, relating to place of township meetings.

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

§ 1. AMENDMENT.] That Section 58-0401 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

58-0401. ANNUAL TOWNSHIP MEETING; WHEN HELD: CHANGE IN MEETING PLACE; NOTICE.] The electors of each township annually shall assemble and hold a township meeting on the third Tuesday in March at such place in the township as the electors thereof at their annual township meetings from time to time shall designate. Notice of the time

and place of holding the meeting shall be given by the township clerk by posting written or printed notices in the three most public places in the township at least ten days prior to the meeting. Before a change in the place of holding the annual township meeting is made, notice of the contemplated change may be given by any member of the board of township supervisors to the township clerk, who shall incorporate in his regularly printed or written notices, the special notice of the contemplated change of the place of holding such meeting; provided, that where an incorporated city or village is wholly or partially within the boundaries of a township, all township meetings may be held in such place within such incorporated city or village, as the electors thereof may designate at an annual township meeting.

Approved February 27, 1947.

CHAPTER 365

H. B. No. 145
(Bymers, Erickson, Sticka)

COMPENSATION & FEES TOWNSHIP CLERK

AN ACT

To amend and reenact Section 58-0701 of the North Dakota Revised Code of 1943, relating to compensation and fees of township clerk.

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

§ 1. AMENDMENT.] That Section 58-0701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0701. COMPENSATION AND FEES OF CLERK.] The township clerk shall receive as compensation for his services five dollars a day for each day necessarily devoted to the work of his office. He shall receive as reimbursement for expenses five cents per mile for each mile actually and necessarily traveled in the performance of his duties. He shall be paid fees and not per diem for the following services:

1. For serving notices of election upon township officers, twenty-five cents each;
2. For filing any papers required to be filed in his office, ten cents each;

3. For posting notices required by law, twenty-five cents each;
4. For recording any order, instrument, or writing authorized by law; ten cents for each one hundred words; and
5. For copying any record or instrument on file in his office and certifying the same, ten cents for each one hundred words to be paid by the person applying for the same.

Approved March 3, 1947.

CHAPTER 366

H. B. No. 146
(Bymers, Erickson, Sticka)

COMPENSATION TOWNSHIP SUPERVISORS

AN ACT

To amend and reenact Section 58-0602 of the North Dakota Revised Code of 1943, relating to compensation of township supervisors.

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

§ 1. AMENDMENT.] That Section 58-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0602. COMPENSATION OF SUPERVISORS.] A township supervisor shall receive as compensation for his services five dollars a day for each day necessarily devoted to the work of his office, but his compensation shall not exceed fifty dollars in any one year. He shall receive as reimbursement for expenses five cents per mile for each mile actually and necessarily traveled in the performance of his duties.

Approved March 3, 1947.

CHAPTER 367

H. B. No. 4

(Langley and Legislative Research Committee at the request of Bank of North Dakota)

DUTIES TOWNSHIP TREASURER, WARRANT FORM, DISBURSEMENT
OF FUNDS

AN ACT

Amending and reenacting Section 58-0802 of the North Dakota Revised Code of 1943 relating to duties of township treasurers and form of warrant for and manner of disbursement of township funds and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 58-0802 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

58-0802. DUTIES OF TREASURER; FORM OF WARRANT; DISBURSEMENT OF FUNDS.] The township treasurer shall receive and take charge of all moneys belonging to the township or which by law are required to be paid into the township treasury and shall pay over and account for the same upon the order of the township or the officers thereof duly authorized in that behalf, and shall perform all such duties as may be required of him by law. The township treasurer shall pay out no township funds except upon the warrant of the board of supervisors signed by the chairman of the board and countersigned by the clerk. The treasurer shall pay all warrants when presented, if properly drawn and signed and if there is money in his hands or subject to his order sufficient for payment. He shall not issue his check on the depository bank, but shall countersign the warrant and insert the name of the depository bank thereon, and the warrant, when so countersigned and directed to the depository bank and properly endorsed by the payee, shall be paid by the depository. Immediately upon countersigning any warrant, the township treasurer shall enter the payment in his official record.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1947.

WAREHOUSING AND DEPOSITS

CHAPTER 368

S. B. No. 19

(Brant for Legislative Research Committee at the request of Public Service Commission)

LICENSING AND BONDING OF STORAGE COMPANIES AS PUBLIC WAREHOUSES

AN ACT

To amend and reenact Section 60-0701 and Section 60-0702 of the North Dakota Revised Code of 1943, providing for the licensing and bonding of storage companies as public warehouses.

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

§ 1. AMENDMENT.] That Sections 60-0701 and 60-0702 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

60-0701. LICENSING STORAGE COMPANIES AS PUBLIC WAREHOUSES. The public service commission may license any suitable person, firm, or corporation organized under the laws of this state, or authorized to do business within the state, to carry on the business of a public warehouse for the storage of any goods, wares, merchandise, or other general or special commodities, except grain in bulk. A license to engage in the business of a public warehouseman may be obtained by filing an application with the public service commission showing:

(1) The city and street address, or a description of the land, where each warehouse is located, together with the business name under which each such warehouse is operated; and

(2) The kind of property stored in each warehouse.

Said application shall be accompanied by the bond required under Section 60-0702 of the North Dakota Revised Code of 1943, as amended, and an annual fee of ten dollars, which fee shall be paid into the state treasury and credited to the general fund of the state. Said license shall be renewed annually and shall be issued for the calendar year. Any license which expires during the years 1947 or 1948 may, upon application,

be renewed for the balance of the calendar year, and the annual fee required hereunder shall be prorated on a monthly basis.

60-0702. BOND OF STORAGE COMPANY. Each person or corporation licensed under Section 60-0701 shall give a bond to the treasurer of the state in the penal sum of five thousand dollars, issued by a corporate surety company, to be approved by the public service commission for the faithful discharge of the duties of a public warehouseman; provided that if the licensee operates more than one public warehouse, the bond shall be increased by the sum of five thousand dollars for each additional warehouse operated. Said bond shall cover all such public warehouses as a whole and not a specific amount for each warehouse.

Approved March 10, 1947.

WATERS

CHAPTER 369

H. B. No. 148

(McInnes, Bagge, Levin, Ohnstad, Dalzell, Saumur, Luick)

REPAIRS OF EXISTING DRAINS BY COUNTY COMMISSIONERS

AN ACT

To amend and reenact Section 61-2142 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 14 of the Special Session Laws of North Dakota for the year 1944 as amended by Chapter 329 of the Session Laws of North Dakota for the year 1945, relating to repairs of existing drains by board of county commissioners and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-2142 of the North Dakota Revised Code of 1943 as amended by Chapter 14 of the Special Session Laws of North Dakota for the year 1944 as amended by Chapter 329 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

61-2142. DRAIN KEPT OPEN AND IN REPAIR BY BOARD OF COUNTY COMMISSIONERS; COST OF.] All drains that may

have been constructed under any law of this state, or that may be constructed under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and it shall be the mandatory duty of the board of county commissioners and their successors in office to keep said drain open and in good repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and in cases when no assessments of benefits shall have been made, the board of county commissioners having charge of or to whose care such drain may be assigned shall make such assessments.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of one hundred and fifty dollars in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Provided that the levy in any one year for cleaning out or repairing any drain shall not exceed a maximum of fifty cents per acre on any lands in such drain district. Provided further that the board of county commissioners may accumulate a fund for such purpose, but such fund shall not exceed the maximum levy allowable for one year.

Provided that all such cleaning out and repair shall be let by bids as provided by law except that the said board of county commissioners may in their discretion reject any and all bids and perform such work with county equipment or enter into an agreement with any state or federal agency for such cleaning out and repair of drains. Provided that such discretionary power in the board of county commissioners shall expire on June 1, 1949 and that on and after June 1, 1949 such cleaning and repair can only be let by bids as provided by law.

Provided that where such a county drain runs through or adjacent to an incorporated city or village, the governing body of such city or village is hereby authorized to contribute to the expense of cleaning such drain in such amount as may be agreed upon between such governing board and the county commissioners.

Provided, however, that if such levy and the funds accumulated in said drain fund shall not be sufficient for properly cleaning out or repairing such drains, the board of county commissioners may spend more than the above maximum limit as follows:

1. Upon presentation to the board of county commissioners of a petition signed by property owners liable for ten per cent or more of the cost of such repair or improvement requesting the cleaning out and repair of an established drain, the board of county commissioners shall forthwith give notice by registered mail, to all property owners interested in such drain, of a hearing upon such petition at some convenient time and place;
2. At such hearing after the purpose of the proposed improvement and repair has been explained, and the probable cost all other pertinent information has been presented, the signers of such petition shall have the right to withdraw their names. Other owners of property within the drainage district shall at that time have the right to add their names to such petition at the time of the hearing or within twenty days thereafter, if they so desire;
3. If, after ten days and within twenty days thereafter, petitions are signed containing the signatures of persons owning property which is liable for fifty-one per cent or more of the cost of such repair or improvement; the board of county commissioners shall proceed in the regular way with such repair or improvement.

§ 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, 1947.

CHAPTER 370

S. B. No. 170

(Morgan and Raschko at the request of State Water Conservation Commission)

FLOOD IRRIGATION PROJECTS—HEARING, NOTICE, REVIEW OF ASSESSMENTS, ETC.

AN ACT

To amend and reenact sections 61-1212, 61-1217, 61-1228 and 61-1238 of the North Dakota Revised Code of 1943 relating to hearing on petition for flood irrigation projects, notice; review of assessment, notice; collection of irrigation taxes; interest rate on flood irrigation bonds; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-1212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1212. TIME FOR HEARING FIXED; NOTICE.] Upon the filing of the engineer's report the board of flood irrigation shall fix a date and public place for hearing objections to the petition, and the place of such hearing shall be some point in the vicinity of the proposed improvement, convenient and accessible for the majority of the landowners affected. At least ten days' notice of such hearing shall be given by publishing such notice once each week for two successive weeks in the official newspaper in each county in which the proposed project, or any part thereof, is located, if any is published therein, and if none is printed in the county then in the official newspaper printed in an adjoining county in the state. The hearing shall be held at least ten days after the last publication.

§ 2. AMENDMENT.] That Section 61-1217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1217. REVIEW OF ASSESSMENT; TEN DAY NOTICE; PLACE OF HEARING.] Ten days' notice of the time when and the place where an assessment of damages will be reviewed by the board of flood irrigation shall be given by publication in official newspaper in each county in which the proposed project, or any part thereof, is located, if any is published therein, and if none is printed in the county then in the official newspaper printed in an adjoining county in the state. The place appointed for such hearing shall be in the vicinity

of the proposed improvement convenient and accessible for the majority of the landowners affected. At the time and place appointed, such board shall proceed to hear all complaints or objections relative to such assessment of damages and correct or confirm the same.

§ 3. AMENDMENT.] That Section 61-1228 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1228. COLLECTION OF FLOOD IRRIGATION TAXES; PAYMENT OF EXPENSES.] The flood irrigation taxes shall be collected by the county treasurer and all moneys so collected shall be credited to the flood irrigation fund to which they belong, and the county treasurer shall be the custodian of such funds. Payment of all the expenses and costs of locating and constructing any such project shall be made upon approval by the board of flood irrigation. Warrants therefor shall be signed by the chairman and secretary of the board. 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 a rate not exceeding five per cent per annum.

§ 4. AMENDMENT.] That Section 61-1238 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1238. INTEREST RATE OF BONDS.] Flood irrigation bonds issued as provided in this chapter shall bear interest at a rate not exceeding five per cent. Interest and principal may be payable under the amortization plan over a period of not to exceed twenty years, or the principal may be divided into such amounts and made payable at such periods, not exceeding twenty years, as the board of county commissioners may determine.

§ 5. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 371

S. B. No. 226—(Nelson of McKenzie)

ISSUANCE OF BONDS FOR REFUNDING OR PAYING OUTSTANDING
BONDS OF IRRIGATION DISTRICTS

AN ACT

To authorize irrigation districts to issue bonds for the purpose of refunding or paying outstanding bonds, regulating the issuance and providing for the payment thereof; and declaring an emergency.

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

§ 1.] That each irrigation district in this state that has heretofore issued or shall hereafter issue bonds purporting to have been issued for any purpose authorized by law, which bonds have been actually sold and delivered to purchasers for value and constitute an existing indebtedness, may at any time after maturity or before maturity, with the consent of the holder, refund the same and issue and negotiate new bonds for the amount of such indebtedness or any part thereof.

§ 2.] When in the judgment of the board of directors of an irrigation district it shall be to the best interests of such irrigation district to issue its negotiable bonds in the name of such irrigation district for the purpose of refunding or paying outstanding bonded indebtedness, or any issue of bonded indebtedness of such irrigation district, as enumerated in Section 1 of this Act, refunding bonds may be issued pursuant to resolutions duly passed at a regular or special meeting of such board of directors. Such bonds may be signed the same as the bonds to be refunded or by such officers of the irrigation district issuing the same as may be designated in the resolutions providing for their issuance.

§ 3.] Bonds issued by any irrigation district under the provisions of this chapter shall be made payable serially and the last installment shall become payable not more than forty years from the date of their issue and no bonds shall draw a higher rate of interest than the bonds refunded. Such bonds shall be in such denominations as shall be designated in the resolutions authorizing their issuance, shall bear the date of their issuance and the date of their maturity, shall recite that they are issued under and by authority of this Act, shall be payable to purchaser or bearer, and shall have interest coupons attached to each bond representing each interest payment. Such bonds may be made payable at definite maturities or may provide for payment on or before the specified date of maturity.

§ 4.] Said bonds may be exchanged at par for an equal amount of the old bonds of said irrigation district with the holder of said old bonds or may be sold as other bonds of the irrigation district by the board of directors of the irrigation district at not less than their par value and the proceeds applied solely to the payment of the indebtedness for which the old bonds were issued.

§ 5.] No more of such refunding bonds shall be issued than are necessary for the purpose of paying the outstanding bonds of the irrigation district issuing the same, as stated in Section 1 of this Act, after applying the cash in the treasury available for the payment of said former bonds, and no bonds issued under the authority of this Act shall be issued or negotiated for less than their par value.

§ 6.] All assessments made by an irrigation district for the payment of the bonds to be refunded shall inure to the benefit of the holders of the refunding bonds and the proceeds of such assessments shall be utilized for the purpose of paying the interest and principal of said refunding bonds, and the board of directors of the irrigation district shall levy an assessment against the lands of the district, as provided by law for levying assessments, sufficient to pay the interest on such refunding bonds and to create a sinking fund to retire such bonds at maturity.

§ 7.] All provisions of law relating to the assessment in irrigation districts and the collection thereof for the purpose of raising funds for the payment of bonds of an irrigation district shall be applicable to bonds issued under the provisions of this Act.

§ 8. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 372

S. B. No. 231

(Dahlen and Nelson of McKenzie)

ORGANIZATION OF IRRIGATION DISTRICTS
AN ACT

To Amend and Reenact Sections 61-0501, 61-0503, 61-0505, 61-0507, 61-0508, 61-0509, 61-0511, 61-0513, 61-0515, 61-0516, 61-0601, 61-0615, and 61-0622 of the North Dakota Revised Code of 1943, relating to irrigation districts.

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

§ 1. AMENDMENT.] That Section 61-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0501. DEFINITIONS.] As used in this chapter and in succeeding chapters dealing with irrigation districts:

1. "Elector" shall mean any land owner owning not less than five acres of land whose land will be or is subject to, assessments for construction or other costs, within a proposed or existing irrigation district, and who is a resident of this state. As herein used the term "owner" shall include:
 - a. An entryman of government lands;
 - b. A purchaser of land under contract;
 - c. A guardian, executor, administrator, or trustee;
 - d. A corporation organized and existing under the laws of this state; and
 - e. The United States of America and the state of North Dakota;
2. The term "works" shall include canals, ditches, pumping plants, rights-of-way, easements, reservoirs, dams, and the necessary sites for pumping plants, reservoirs, and dams and all means and property required for a completed operating system of irrigation works;
3. "Board" shall mean the board of directors of any irrigation district.

§ 2. AMENDMENT.] That Section 61-0503 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

61-0503. VOTES OF ELECTORS; NUMBER PERMISSIBLE.] Any elector owning twenty acres and not less than five acres or less, 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.

§ 3. AMENDMENT.] That Section 61-0505 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

61-0505. CO-OWNERS OF LAND IN IRRIGATION DISTRICT; WHO MAY VOTE.] Where lands within a proposed or existing irrigation district are owned by co-owners only, such co-owners who are residents of this state may vote their respective interest personally, or such co-owners by an instrument in writing, may designate one of their number as agent to cast the vote for each such co-owner. Provided, that in no event shall any such co-owner be entitled to cast, less than one full vote, or any vote or votes constituting any fraction of one vote. Such instrument shall be acknowledged by such co-owners and shall be presented to and filed with the clerk of the district election board.

§ 4. AMENDMENT.] That Section 61-0507 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

61-0507. PETITION FOR A PROPOSED IRRIGATION DISTRICT; FILED WHERE; SIGNED BY WHOM; CONTENTS.] A petition for a proposed irrigation district shall be filed with the state engineer and shall be signed by electors of the proposed district who together shall own a majority of the whole number of acres subject to assessments for construction or other costs within the district, requesting that the territory described in such petition be organized under the provisions of this chapter. Such petition shall set forth the name and address of each petitioner and a description of his land, and the petition shall have attached thereto a map or maps showing the boundaries of the proposed district.

§ 5. AMENDMENT.] That Section 61-0508 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

61-0508. PETITION ACCOMPANIED BY MAP; CONTENTS OF MAP; SCALE OF MAP.] The petition provided for in Section 61-0507 shall be accompanied by a map or maps of the proposed district. Such map shall show the location of the proposed canals or works by means of which it is intended to irrigate the lands of the proposed district, but canals that

merely pass through said lands, and which do not irrigate any of the same, need not be shown. If the water supply is from a natural stream, the flow of such stream shall be stated in cubic feet per second. If the water supply for the district is to be gathered by a storage reservoir or reservoirs, the map shall show the location thereof and shall state their capacity in acre feet. Unless otherwise permitted by the state engineer, such map shall be drawn to a scale of not less than two inches to the mile. Typical cross sections of the proposed canal or canals, and of all canals existing within the boundaries of the proposed district and shown on the map, and of all proposed dams and embankments, shall be given in sufficient detail to show the contemplated method of construction, and the capacity of the typical canals required for the irrigation of the lands within the proposed district shall be stated. Such cross sections shall be drawn to the scale required by the State engineer, and such map and cross sections shall be certified by an experienced engineer.

§ 6. AMENDMENT.] That Section 61-0509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0509. PETITION ACCOMPANIED BY BOND; APPROVAL OF BOND; CERTIFIED COPY OF PETITION FILED.] Unless otherwise permitted by the state engineer the petition shall be accompanied by a good and sufficient bond to be approved by the state engineer, which shall be in double the amount of the probable cost of organizing such district, including the cost of the first election for the organization of the district and shall be conditioned that the sureties will pay all costs in case said organization shall not be approved by the electors. Within ten days after the filing of such petition, and the approval of such bond, the state engineer shall file a copy of such petition with the county auditor of each county wherein the proposed irrigation district is situated.

§ 7. AMENDMENT.] That Section 61-0511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0511. AMENDMENT OF PLAN OF IRRIGATION; ADJOURNMENT OF HEARING BY STATE ENGINEER.] At the hearing provided in Section 61-0510, the state engineer may amend the plan of irrigation proposed in the petition provided in Section 61-0507. The state engineer may adjourn such hearing from time to time and may make such changes in the proposed boundaries of the district as he shall deem advantageous and advisable, but the boundaries of the district proposed in the petition for its organization shall not be enlarged or extended until the electors who own a majority of the acres of

land subject to assessments for construction or other costs to be included in the extension have in writing consented thereto.

§ 8. AMENDMENT.] That Section 61-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0513. STATE ENGINEER TO MAKE ORDER ESTABLISHING IRRIGATION DISTRICT; CALLING ELECTION; DIVIDING DISTRICT; CONTENTS OF ORDER.] If the state engineer shall have found and determined that the establishment of the proposed irrigation district is advisable, and that the plan proposed for irrigating the lands therein is practicable and economically sound, he shall make an order establishing such irrigation district, subject to the approval of the electors of the district at an election called by the state engineer for that purpose. If the district embraces more than ten thousand acres of land, the state engineer by such order shall divide the district into three, five or seven divisions or precincts as he shall deem necessary for the convenience of the electors of the district. Such divisions or precincts shall be as nearly equal in size as may be deemed practicable, such divisions shall be numbered, and one director shall be elected from, and by the electors of, each division. If an elector owns land in more than one division, he shall cast all his votes for director in the division in which the majority of his land subject to assessment lies. Such order shall set forth:

1. The time and place of holding such election;
2. The boundaries of the district;
3. That a petition sufficient in form and substance was filed with the state engineer;
4. That due and reasonable notice of time and place of hearing on petition was given to the qualified electors of the proposed irrigation district.

A copy of such order shall be filed with the county auditor of each county in which the irrigation district is situated. Such order shall be prima facie evidence of the matter and facts therein stated.

§ 9. AMENDMENT.] That 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.

§ 10. AMENDMENT.] That Section 61-0515 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0515. FORM OF NOTICE OF ELECTION.] The notice of election provided for in Section 61-0514 shall be substantially in the following form:

NOTICE OF ELECTION

Notice is hereby given that on the day of 19....., an election will be held for the purpose of submitting to the electors within the territory established and described by the order of the state engineer as irrigation district, the question as to whether or not the order of the state engineer establishing such irrigation district shall be approved. Notice is hereby given that the lands of such district are fully described in the order of the state engineer establishing the district and filed in his office at the State Capitol in Bismarck, North Dakota, and in the office of the county auditor of County, North Dakota. The ballot will be in the following form:

FOR IRRIGATION DISTRICT

Yes
No

Notice is further given that a board consisting of directors will be elected, one from each district division, who will serve as provided by law after the establishment of the district is approved. Polls will be open from one o'clock p. m. to seven o'clock p. m. Notice is further given that any elector desiring to be a candidate for the office of district director and have his name appear on the ballot must file his request in writing with the state engineer not less than ten days before the said election.

Dated this day of, 19.....

Signed.....
State Engineer

§. 11 AMENDMENT.] That Section 61-0516 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0516. STATE ENGINEER TO APPOINT CLERK AND TWO JUDGES OF ELECTION; FILLING VACANCIES ON BOARD.] Prior to the holding of an election upon the question of establishing and organizing an irrigation district, the state engineer shall appoint from the electors of the district one clerk and two judges who shall constitute a board of election for such district. If the district is divided into divisions or precincts, such board of election shall be appointed from the electors of each such division and shall serve as a board of election therein. If the members appointed do not attend at the opening of the polls on the day of election, the electors present at that hour may choose the members of the election board or fill the place of an absent member thereof.

§ 12. AMENDMENT.] That Section 61-0601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0601. BOARD OF DIRECTORS OF IRRIGATION DISTRICT; TERMS; VACANCIES.] If an irrigation district contains less than ten thousand acres of land and is not divided into precincts or divisions, the board of directors thereof shall consist of three directors who shall be residents and electors of the district and shall be elected at large. One director elected at the election for the organization of the district shall serve until the first Tuesday in April following the first regular district election, one director shall serve until the first Tuesday in April following the second regular election, and one director shall serve until the first Tuesday in April following the third regular election.

If an irrigation district contains ten thousand acres or more and is divided into three, five or seven divisions or precincts, as the case may be, one director shall be elected from and by the electors of each division or precinct.

If an irrigation district contains ten thousand acres or more and is divided into five divisions or precincts, the board of directors of such irrigation district shall consist of five directors. Two directors elected at the election for the organization of the district shall serve until the first Tuesday in April following the first regular district election, two directors shall serve until the first Tuesday in April following the second regular district election, and one director shall serve until the first Tuesday in April following the third regular district election.

If an irrigation district contains ten thousand acres or more and is divided into seven divisions or precincts, the board of directors of such irrigation district shall consist of seven directors. Three directors elected at the election for the organization of the district shall serve until the first Tuesday in April following the first regular district election, two directors shall serve until the first Tuesday in April following the second regular district election, and two directors shall serve until the first Tuesday in April following the third regular election.

The terms of office of the directors elected at such first election for the organization of the district shall be determined by lot at their first meeting. Directors elected at subsequent elections shall serve for three years and until their successors are duly elected and qualified. In case the office of any director shall become vacant, the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose office he has been appointed to fill. In the event that vacancies shall occur in the offices of a majority of the directors of an irrigation district, the remaining members and the state engineer shall fill the vacancies; and in the event that the offices of all the directors shall become vacant, the state engineer shall appoint the members of the board and they shall serve until the next regular election of the district. Their successors in office shall then be elected to serve the unexpired term of the directors whose offices became vacant. The unexpired term of office which each director thus elected shall fill shall be determined by lot.

§ 13. AMENDMENT.] That Section 61-0615 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0615. OPENING AND CLOSING HOURS OF POLLS AT IRRIGATION DISTRICT ELECTIONS.] The polls shall be opened at one o'clock p. m. of the election day and for a regular irrigation district election shall be kept open until five o'clock p. m. of the same day.

§ 14. AMENDMENT.] That Section 61-0622 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0622. SALARY OF OFFICERS AND DIRECTORS; LIMITATION ON.] Each director shall receive five dollars per day and mileage at the rate of five cents per mile when attending meetings, and, in addition, actual and necessary expenses while engaged in official business under the order of the board. The salary of the secretary, assessor, and treasurer shall be determined by the board of directors.

Approved March 20, 1947.

CHAPTER 373

S. B. No. 171

(Morgan and Raschko at the request of the State Water Conservation Commission)

WATER CONSERVATION DISTRICTS—SECRETARY, BOARD POWERS, TAX LEVY, ETC.

AN ACT

To amend and reenact sections 61-1610, 61-1614, 61-1615, 61-1619 and 61-1628 of the North Dakota Revised Code of 1943 relating to water conservation districts and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-1610 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1610. COUNTY AUDITOR SHALL SERVE AS SECRETARY OF BOARD AND COUNTY TREASURER AS CUSTODIAN OF WATER CONSERVATION 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 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.

§ 2. AMENDMENT.] That Section 61-1614 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1614. 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 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 when a district is situated in two or

- more counties, 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;
 7. 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;
 8. 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 the 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
 9. Do all things reasonably necessary and proper to preserve for the people of this state the benefits to be derived from the conservation of the water resources of this state.

§ 3. AMENDMENT.] That Section 61-1615 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1615. 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 within the county a tax sufficient in amount to pay the actual necessary expenses of such water conservation 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 any levy which it may make among the several districts of the county in proportion to the actual needs of such 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 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 county commissioners, it appears that the expense of acquisition of a right-of-way or other interests in property, or the construction or maintenance of any project, should not be spread over the entire county, but should be borne by the property specially benefitted thereby, the board may refuse to levy a tax for such purpose and may require that such work be financed, if at all, by special assessments as provided in this chapter.

§ 4. AMENDMENT.] That Section 61-1619 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1619. NOTICE OF HEARING TO CONSIDER FINANCING BY SPECIAL ASSESSMENT WARRANTS; CONTENTS.] If it is proposed to finance any water conservation project 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 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 notices 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.

§ 5. AMENDMENT.] That Section 61-1628 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-1628. 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 advisor of, and upon request shall render opinions in writing to, the board of commissioners, and without additional fee or charge shall prosecute any action in his county in eminent domain found necessary by either the board of commissioners of the water conservation 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 other county and state officers. The board of water district commissioners may employ, however, other counsel to advise and represent it in such actions and appeals and in its proceedings.

§ 6. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1947.

WEIGHTS, MEASURES AND GRADES

CHAPTER 374

S. B. No. 163
(Rue and Stucke)

INSPECTION OF WEIGHING AND MEASURING DEVICES

AN ACT

To amend and reenact Section 64-0210 of the North Dakota Revised Code of 1943, prescribing a fee schedule for inspection of weighing and measuring devices, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 64-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

64-0210. FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES.] The chief inspector or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

For inspecting railroad and track scales of capacity of twenty tons and upwards	\$8.00
For inspecting vehicle scales and livestock scales of eight thousand pounds capacity and over	6.00
For inspecting dormant scales, less than eight thousand pounds capacity, or hopper scales, each	2.00
For inspecting movable platform scales .....	.50
For inspecting all counter or computing scales, each....	.50
For inspecting every patent balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each .....	.50
For inspecting any two bushel or one bushel measure	.25
For inspecting any other dry measure, each .....	.10
For inspecting any liquid measure or computing pump	.50
For inspecting liquid measures of five gallon or less capacity, each .....	.25
For inspecting any board of cloth measure, each .....	.10

For calibrating truck tanks of one thousand gallon capacity and under	5.00
For calibrating truck tanks over one thousand gallon capacity	20.00

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use and the fees charged for such reinspection and certification shall be the same as for the first inspection and certification. When the inspector or other employee of the department of weights and measures shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted or out of repair, it shall be his duty to correct such scale or measure and he shall collect for such service one dollar and twenty-five cents per hour for the actual time consumed in making such corrections, and shall receive reasonable compensation for any material used in such corrections.

§ 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, 1947.

WORKMEN'S COMPENSATION

CHAPTER 375

S. B. No. 269
(Frojen and Stucke)

DEFINITIONS; PREMIUM PAYMENTS; CLAIMS & COMPENSATION; EXTRATERRITORIAL RECIPROCITY— WORKMEN'S COMPENSATION

AN ACT

To amend and reenact Subsection 4 of Section 65-0102 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 of Chapter 337 of the Session Laws of North Dakota for the year 1945, and Subsections 5c, 10 and 11 of Section 65-0102 of the North Dakota Revised Code of 1943, relating to definitions under the Workmen's Compensation Act; Section 65-0103, of the North Dakota Revised Code of 1943, relating to person performing service for remuneration presumed an employee; Section 65-0418, of the North Dakota Revised Code of 1943, relating to subsequent injury or aggravation of previous injury to disabled employee; Section 65-0502, of the North Dakota Revised Code of 1943, relating to form in which claim shall be filed; Section 65-0508, of the North Dakota Revised Code of 1943, relating to payment of compensation when disability is of five days duration or more; Section 65-0509, of the North Dakota Revised Code of 1943, as amended and reenacted by Section 2 of Chapter 337 of the Session Laws of North Dakota for the year 1945; relating to weekly and aggregate compensation for total disability; Section 65-0802, of the North Dakota Revised Code of 1943, relating to reciprocity in extraterritorial application of compensation acts of various states; and declaring an emergency.

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

§ 1. AMENDMENT.] That Subsection 4 of Section 65-0102 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 1 of Chapter 337 of the Session Laws of North Dakota for the year 1945, and Subsections 5c, 10 and 11 of Section 65-0102 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

65-0102. DEFINITIONS.] Whenever used in this title:

4a. "Hazardous employment" shall mean any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:

1. Agricultural or domestic service; or
 2. Any employment of a common carrier by steam railroad; or
 3. Any employment for the transportation of property or persons by non-residents, where, in such transportation, the highways are not traveled more than seven miles and return over the same route within the State of North Dakota; or
 4. All members of the clergy and employees of religious organizations engaged in the operation, maintenance and conduct of the place of worship;
- b. "Premises" shall mean that part of the employer's property upon or in which the employee is expected to perform services for his employer.
- 5c. Persons employed by a subcontractor must be covered under the provisions of the North Dakota Workmen's Compensation Act by the original or general contractor until such time as the subcontractor has complied with the provisions of this title;
10. "Artificial members" shall include only such devices as are substitutes for, and not mere aids to, a natural part, organ, limb, or other part of the body;
 11. "Permanent partial disability" shall include disfigurement resulting from an injury if such disfigurement diminishes the ability of the employee to obtain employment.

§ 2. AMENDMENT.] That Section 65-0103, of the Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0103. PERSON PERFORMING SERVICE FOR REMUNERATION PRESUMED AN EMPLOYEE.] Each person who performs services for another for a remuneration, whether the same is paid as a salary, commission, or other considerations in lieu thereof, under any agreement or contract of hire, express or implied, shall be presumed to be an employee of the person for whom the services are performed, unless he shall maintain a separate business establishment and/or shall hold himself out to and/or shall render services to the general public.

§ 3. AMENDMENT.] That Section 65-0418, of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0418. SUBSEQUENT INJURY OR AGGRAVATION OF PREVIOUS INJURY TO DISABLED EMPLOYEE; CHARGE TO EMPLOYER'S RISK; CHARGE OF PART OF CLAIM TO SUBSEQUENT INJURY FUND.] Whenever a subsequent injury or aggravation to a previous injury occurs to an employee who has been injured previously in a different employment, the risk of the employer for whom such injured person was working at the time of such subsequent injury or aggravation to a previous injury shall be charged only with the amount of the awards resulting from such subsequent injury or aggravation. Whenever such subsequent injury or aggravation in connection with a previous injury results in further disability or an aggravation of a pre-existing injury which was received in the course of employment and regarding which the claimant's physician had certified the employee as being fit for employment, the compensation which is in excess of the amount to which the injured employee would have been entitled solely by reason of the subsequent injury or aggravation shall be charged to the subsequent injury fund and not to the classification or the risk to which the subsequent injury or aggravation is charged.

§ 4. AMENDMENT.] That Section 65-0502, of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0502. FORM IN WHICH CLAIM SHALL BE FILED.] Every claim shall be made on forms to be furnished by the bureau and shall contain all the information required by it. Each claim shall be signed by the person entitled to compensation or by the person acting on his behalf in the presence of two witnesses who shall sign their names to said instrument as witnesses, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown, the bureau may waive the provisions of this section.

§ 5. AMENDMENT.] That Section 65-0508, of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0508. COMPENSATION NOT PAID UNLESS PERIOD OF DISABILITY IS OF FIVE DAYS DURATION OR MORE; PAID FROM DATE OF INJURY.] No compensation will be paid for disability, the duration of which is less than five days. If the period of disability is of five days duration or more compensation shall be paid from the date of the injury.

§ 6. AMENDMENT.] That Section 65-0509, of the North Dakota Revised Code of 1943, as amended and reenacted by

Section 2 of Chapter 337 of the Session Laws of North Dakota for the year 1945, 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 per cent of his weekly wage. Provided that the provisions herein relating to permanent total disability shall be retroactive. In case of temporary total disability, there shall be paid to such disabled employee an additional sum of two dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years incapable of self support as elsewhere defined in this title. In no event shall the total weekly payment to said disabled employee exceed the sum of thirty-two dollars per week.

§ 7. AMENDMENT.] That Section 65-0802 of 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 non-resident 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 employers 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 payroll expended within North Dakota by a non-resident employer exceeds one hundred dollars then the out of state employer shall no longer be considered as operating in North Dakota on a temporary basis. Resident North Dakota employees though employed by out of state employers must at all times be covered by benefits comparable with the provisions of the North Dakota Act.

§ 8. 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 21, 1947.

CHAPTER 376

H. B. No. 233

(Brickner, Brady, Yirchott, Fitch, Johnson of Cass, Stormon and Skaar)

INVESTMENT OF FUNDS OF WORKMEN'S COMPENSATION PURPOSES

AN ACT

Amending and reenacting Section 65-0431 of the North Dakota Revised Code of 1943 relating to the authorization for investment of funds of the workmen's compensation bureau.

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

§ 1. AMENDMENT.] That Section 65-0431 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0431. INVESTMENT OF FUND AUTHORIZED; CONTINUING APPROPRIATION.] The bureau, upon a resolution to that effect duly entered upon the minutes of the bureau, concurred in by a majority of the commissioners, and when duly authorized so to do by a resolution duly adopted by the industrial commission of the state of North Dakota, may invest excess moneys in the fund in bonds of the United States of America, bonds and mortgages or other securities the payment of which is guaranteed by the United States of America, bonds of the state of North Dakota or of any other state, or in certificates of indebtedness of the state of North Dakota, or in bonds or certificates of indebtedness of any political subdivision of the state of North Dakota. Before any investment is made in any securities, however, the securities shall be approved by the attorney general as to the form and legality thereof. The state treasurer shall be the custodian of all such bonds and certificates, and the bureau shall deliver any securities so purchased to the state treasurer as such custodian. This section shall constitute a continuing appropriation out of the fund of all moneys that may be required for the making of the investments authorized by this section. The bureau, or any commissioner or other officer thereof,

who shall invest any moneys in the fund without first having obtained the authorization of the industrial commission as provided in this section shall be guilty of a misdemeanor.

Approved March 11, 1947.

CHAPTER 377

H. B. No. 231

(Brickner, Brady, Yirchott, Fitch, Johnson of Cass, Stormon and Skaar)

WORKMEN'S COMPENSATION BUREAU JURISDICTION

AN ACT

To amend and reenact Section 65-0503 of the North Dakota Revised Code of 1943, relating to jurisdiction of the workmen's compensation bureau to hear questions within its jurisdiction.

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

§ 1. AMENDMENT.] That Section 65-0503 of 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, to the employer of said claimant 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.

Approved March 15, 1947.

CHAPTER 378

H. B. No. 257
(Westby, Stormon, Ohnstad)

APPOINTMENT OF SAFETY ENGINEER**AN ACT**

Relating to the appointment of a safety engineer, his qualifications and salary; providing for office space, expenditures from fund for assistants and supplies; powers and duties of safety engineer; providing that safety engineer shall not be an agent, manager, superintendent or interested in any business or corporation in State; removal of safety engineer; appropriation; saving clause.

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

§ 1. APPOINTMENT; TERM OF OFFICE.] The commissioners of the North Dakota workmen's compensation bureau shall appoint a state safety engineer who shall hold office at the will of the bureau.

§ 2. QUALIFICATIONS OF SAFETY ENGINEER.] No person shall be eligible to the office of safety engineer unless he:

1. Has successfully completed a standard professional engineering curriculum leading to a bachelors degree in a college or university of recognized standing, plus one year of professional safety engineering experience of the type described in Section 5 of this Act; or
2. Has successfully completed two years of standard professional engineering curriculum in a college or university of recognized standing, plus two years of progressive professional safety engineering experience of the type described in Section 5 of this Act; or
3. Four years of progressive professional safety engineering experience which would include experience of the type described in Section 5 of this Act.

Part of the experience shall have been within the last three years, except where applicant's safety career was interrupted by military service. In any case the education and/or experience must have demonstrated, on the part of the applicant, the ability to perform the duties as described in Section 5 of this Act.

§ 3. SALARY OF SAFETY ENGINEER.] The salary of the safety engineer shall be not more than five thousand dollars per annum, plus necessary travel expenses.

§ 4. SAFETY ENGINEER: POWERS AND DUTIES RELATING TO ACCIDENT PREVENTION.] The safety engineer shall:

1. Study a plant for industrial hazards and designs, means for preventing accidents or reducing their frequency;
2. Upon request examine plans and specifications for new machinery and equipment to ascertain if all safety precautions have been included;
3. Upon request offer advice or methods of determining the amount of weight that can be placed on the plant floor with safety;
4. Inspect machinery to determine places where danger of injury exists;
5. Study each accident to overcome its cause;
6. Educate workers to dangers existing in plants through a safety first campaign;
7. Initiate community accident prevention programs and cooperate and assist established programs of accident prevention;
8. Conduct research and develop safety engineering techniques and practices to eliminate the causes of accidents to employees covered by this Act;
9. Evaluate the effectiveness of safety programs and develop and recommend the cooperative measures indicated;
10. Make studies and recommendations on special safety problems as they arise;
11. Maintain a comprehensive library of technical accident prevention references;
12. Seek to periodically publicize causes of major accidents and methods of prevention without referring to names or places;
13. Provide accident prevention information and safety consultation.

§ 5. SAFETY ENGINEER NOT TO BE AGENT, MANAGER, SUPERINTENDENT NOR INTERESTED IN ANY BUSINESS OR CORPORATION IN STATE.] The safety engineer, while he is in office, shall not act as an agent for any business or corporation, nor as the superintendent or manager of any business or corporation. He shall not be interested in any business or corporation as owner, lessee or otherwise.

§ 6. REMOVAL OF SAFETY ENGINEER.] If the workmen's compensation bureau finds that the safety engineer is negligent in his duties, is incompetent to perform the same or is guilty of malfeasance or misfeasance in office, the bureau shall declare the office of safety engineer vacant and shall proceed in compliance with the provisions of this title to fill the vacancy.

§ 7. 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 ten thousand dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

§ 8. SAVING CLAUSE.] If any section of this Act shall be held unconstitutional, the remaining provisions shall be given full force and effect as if the part held unconstitutional had not been included therein.

Approved March 15, 1947.

CHAPTER 379

H. B. No. 232

(Brickner, Brady, Yirchott, Fitch, Johnson of Cass, Stormon, Skaar)

DETERMINATION OF WEEKLY WAGE FOR PREMIUM AND WORKMEN'S COMPENSATION PURPOSES

AN ACT

To amend and reenact Section 65-0703 of the North Dakota Revised Code of 1943, relating to the determination of weekly wage for premium and compensation purposes under the workmen's compensation.

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

§ 1. AMENDMENT.] That Section 65-0703 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0703. DETERMINATION OF "WEEKLY WAGE" FOR PREMIUM AND COMPENSATION PURPOSES.] If the bureau enters into a contract for employer's insurance, the premium for such protection and any compensation paid thereunder shall be based on a reasonable weekly wage for employees in the same class of industry. Such reasonable weekly wage shall

not amount to less than \$1820 per annum nor more than \$2500 per annum and shall be determined by the bureau.

Approved March 11, 1947.

CHAPTER 380

H. B. No. 310
(Schuler, Rudolf)

DETERMINATION OF WEEKLY WAGE FOR PREMIUM AND WORK- MEN'S COMPENSATION PURPOSES WHERE VETERAN-ON- THE JOB TRAINEES ARE EMPLOYED

AN ACT

To determine the weekly wage for workmen's compensation premium and compensation purposes where veteran-on-the-job trainees are employed; and declaring an emergency.

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

§ 1. DETERMINATION OF WEEKLY WAGE FOR PREMIUM AND COMPENSATION PURPOSES TO VETERAN-ON-THE-JOB TRAINEE.] Whenever an employer employs a person known as a veteran-on-the-job trainee, as defined under Public Law 16 and 346 of the United States Congress, the premium for workmen's compensation coverage and any compensation paid thereunder shall be based on a minimum weekly wage of thirty dollars per week.

§ 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, 1947.

INITIATED MEASURES

Approved

CHAPTER 381

PROHIBITING SALE, GIFT, OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONNECTION WITH ANY COMMODITY OTHER THAN TOBACCO, TOBACCO PRODUCTS, AND SOFT DRINKS; ALSO PROHIBITING CONNECTING DOORWAYS OR ARCHWAYS

AN ACT

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.

Be It Enacted By the People of the State of North Dakota:

§ 1.] Sixty days after the passage of this measure it shall be unlawful to sell, offer for sale, give away, barter, or consume alcoholic beverages in any place where is sold or offered for sale any commodity other than tobacco, tobacco products, and soft drinks.

§ 2.] Definition: For the purposes of this act, the following liquors are declared to be alcoholic beverages, viz.: alcohol, brandy, whiskey, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of one per centum or more alcohol by volume, which are fit or intended for use for beverage purposes; provided, that the foregoing definition shall not extend to sweet fruit juices or de-alcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of one per centum of alcohol by volume and is otherwise denominated than as beer, ale, or porter.

§ 3.] It shall further be unlawful to maintain or allow any connecting archways or doorways connecting any establishment where alcoholic beverages are sold with any other place of business where there is sold or offered for sale any

commodity other than tobacco, tobacco products, and soft drinks.

§ 4.] Any person who shall violate this act, and any owner or operator, whether an individual, association, co-partnership or corporation, or any manager or employee thereof, of any establishment where alcoholic beverages are sold, offered for sale, given away or bartered in violation of this Act, or where archways or doorways are maintained or allowed in violation hereof shall be guilty of a misdemeanor.

§ 5.] All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved November 5, 1946.

86114 to 82332

CHAPTER 382

REFUND MOTOR VEHICLE FUEL TAX USED FOR AGRICULTURAL OR INDUSTRIAL PURPOSES

AN ACT

To provide for the refunding of license taxes paid upon motor vehicle fuels used for agricultural or industrial purposes; providing the procedure for the presentation of claims therefor and the prompt payment thereof; providing for refunds to the state, county, city, village, township, park district or other municipalities; providing penalties for violation of this act, and providing for the repeal of Sub-section 5 of 57-4101, and Sections 57-4119, 57-4120, 57-4121, 57-4122, 57-4124, 57-4125, 57-4126, 57-4127, 57-4128, 57-4129, 57-4130, and 57-4131 of the Revised Code of North Dakota for 1943, and Chapter 302 of the Session Laws of North Dakota for 1945, and a part of Section 9 of the Initiated Measure (Chap. 339, S. L. 1945) approved November 7, 1944.

Be It Enacted By the People of the State of North Dakota:

§ 1.] After December 31, 1946, any person, firm or corporation who shall buy or use any motor vehicle fuel as defined by sub-paragraph 2 of Section 57-4101, Revised Code of North Dakota for 1943, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the State Auditor of a claim for refund.

§ 2.] Such claim shall be in a form furnished by the State Auditor and shall be verified by the oath of the claim-

ant. It shall have attached thereto the original invoice or invoices showing the purchase of the motor vehicle fuel on which a refund is claimed, shall state the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the total amount of such motor vehicle fuel, that the purchase price thereof has been paid and that in said price was included the motor vehicle fuel tax payable to the State of North Dakota under Section 57-41, Revised Code of North Dakota for 1943, and under the Initiated Measure (Chap. 339, S.L. 1945) approved November 7, 1944, relating to the tax on motor vehicle fuels, that such motor vehicle fuel was used by the claimant otherwise than in motor vehicles operated or intended to be operated upon the public highways of this State, the manner in which said motor vehicle fuel was used, the equipment in which such motor vehicle fuel was used and such other information as the State Auditor shall require. In the event the original invoice or invoices are lost, the claimant may furnish, in lieu thereof, duplicate invoices together with a separate affidavit on forms prescribed by the State Auditor.

§ 3.] Such claim for refund must be filed within twelve months of the date of the purchase of such motor vehicle fuel or the claim for refund shall be barred.

§ 4.] The State Auditor, upon the presentation of such sworn claim, shall audit said claim for refund and prepare, in duplicate, an abstract showing the claim number, the name and address and amount due each claimant, and shall pay each claim within thirty days of the receipt thereof in the State Auditor's office unless the Auditor shall be in doubt as to the validity of any claim, in which case the Auditor may withhold the approval thereof for a reasonable time for purposes of investigation. The State Auditor may authorize any employee or agent of his office to investigate doubtful claims and make a report of his findings to the Auditor, who shall thereupon promptly approve or reject such claim as the facts may warrant.

§ 5. When any construction, re-construction or maintenance of a public road, highway, street or airport is undertaken by the State or any County, City, Village, Township, Park District or other municipality in the State and where public funds of the State, County, City, Village, Township, Park District or other municipality are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, re-construction or maintenance, such motor vehicle fuel shall be subject to a refund of the tax paid thereon as provided for in this Act and under the same terms and conditions. No tax refund shall be paid to any

person, firm or private corporation on any motor vehicle fuel used in construction, re-construction or maintenance of a public road, highway, street or airport, which construction or maintenance work is paid for from public funds.

§ 6. Every seller of motor vehicle fuel shall issue to each purchaser, who purchases motor vehicle fuel for agricultural or industrial purposes, a duplicate original invoice for each sale, using double faced carbon, which shall be in the form prescribed by the State Auditor and shall show the date, name, residence and license number, if any, of the seller and the number of gallons of motor vehicle fuel sold. Each invoice so issued shall be signed by the purchaser and one of such duplicate invoices shall be retained by the seller as part of his business records for not less than two years.

§ 7. The State Auditor shall be charged with the administration of this Act. He shall be authorized and empowered to employ such assistance as may be necessary for the efficient administration and enforcement of the Act and shall also have the power to make such reasonable rules and regulations relating to the administration and enforcement of the Act as may be deemed necessary and expedient.

§ 8. Any claimant who makes a false and fraudulent claim for refunds, upon conviction therefor in a court of competent jurisdiction, shall be guilty of a misdemeanor; and any seller who violates the provisions of this Act shall be guilty of a misdemeanor.

§ 9. Sub-Section 5 of Section 57-4101, Sections 57-4119, 57-4120, 57-4121, 57-4122, 57-4124, 57-4125, 57-4126, 57-4127, 57-4128, 57-4129, 57-4130, and 57-4131 of the Revised Code of North Dakota for 1943 and Chapter 302 of the Session Laws of North Dakota for 1945, are hereby repealed; and the following provision only of Section 9 of the Initiated Measure (Chap. 339, S. L. 1945) approved November 7, 1944; to-wit: "Provided, however, that said additional one cent (1c) per gallon tax shall not be imposed upon or applicable to motor vehicle fuels sold in this state to be used solely for agricultural and industrial purposes and said motor vehicle fuels so sold to be used solely for agricultural and industrial purposes shall be tax exempt, as is provided by Chapter 147 of the 1939 Session Laws of the State of North Dakota, and amendments thereto, or any law hereafter enacted," is hereby repealed.

Approved November 5, 1946

88102 to 76337.

CONSTITUTIONAL AMENDMENTS

Disapproved

Submitted by the Twenty-Ninth Session of the Legislative Assembly of the State of North Dakota, being Senate Concurrent Resolution No. 8 (Chapter 149 Session Laws 1945)

COMPENSATION LEGISLATIVE ASSEMBLY

A Concurrent Resolution Providing for the Amendment of Section 45 of the Constitution of the State of North Dakota.

Disapproved November 5, 1946 80970 to 66265.

OPTIONAL FORMS OF GOVERNMENT FOR COUNTIES

Submitted by the Twenty-Ninth Session of the Legislative Assembly of the State of North Dakota, being House Concurrent Resolution G. (Chapter 150, Session Laws 1945)

A Concurrent Resolution Providing for the Amendment of Section 170 of the Constitution of the State of North Dakota.

Disapproved June 25, 1946. 60573 to 48937.

TAX LEVY FOR POST WAR REHABILITATION

Submitted by the Twenty-Ninth Session of the Legislative Assembly of the State of North Dakota, being Senate Concurrent Resolution 9. Chapter 151, Session Laws 1945).

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 June 25, 1946. 69362 to 48121.

REFERRED MEASURE

Disapproved

VALUATION BASIS FOR COMPUTING TAX

Referendum of a measure designated as "House Bill 38" Enacted by the Twenty-ninth Legislative Assembly of the State of North Dakota at the regular 1945 Session of said Legislative Assembly, Being an Act Raising the Basis of Assessment of Property for Taxation from Fifty Per Cent to Seventy-five Per Cent of the Full and True Value of Such Property, Amending and Reenacting Section 57-0228 of the North Dakota Revised Code of 1943; Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

AN ACT

Amending and Reenacting Section 57-0228 of the North Dakota Revised Code of 1943 Relating to Basis of Assessment of Property for Taxation Purposes, Raising Such Basis from Fifty Per Cent to Seventy-five Per Cent of the Full and True Value of Such Property; Repealing All Acts and Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Disapproved June 25, 1946.

70983 to 56988.

VETOS

H. B. No. 265—(Esterby, Siverson)

BANK OF NORTH DAKOTA TRANSFER OF FUNDS TO OTHER STATE DEPARTMENTS; MAKING LOANS, ETC.; OBTAINING ADDITIONAL FUNDS

AN ACT

Permitting the Bank of North Dakota to transfer funds to other State Departments, to make loans and extend credit under limitations and providing method of obtaining additional funds; amending and reenacting Section 6-0915 of the North Dakota Revised Code of 1943.

March 22, 1947.

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota.
Dear Mr. Hall:

I am transmitting herewith House Bill No. 265 without my approval. Senate Bill No. 159, which I am approving, gives the Bank of North Dakota a broader authority than this bill to make loans to veterans for building purposes when the loans are guaranteed by the Federal Government. This bill

provides that bonds may be issued to make loans up to as high as 75 per cent of the appraised value of the security. This is apparently contrary to the provisions of Section 182 of the constitution of North Dakota, which reads in part "Shall be secured by first mortgage upon real estate in amounts not to exceed one-half of its value." The change of the word "required" to "requested" in the last sentence of the bill is seemingly intended to push the Bank of North Dakota into a broad program of issuing bonds and making real estate loans. Our sad previous experience with a \$39,573,000.00 real estate bond issue, which has thus far required \$17,754,529.03 of tax money for payments of interest and principle, should warn us to move slowly, at least until our people are in urgent need for such loans.

For these reasons I veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

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

§ 1. AMENDMENT.] That Section 6-0915 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

6-0915. BANK MAY TRANSFER FUNDS TO OTHER STATE DEPARTMENTS: LOANS: REAL ESTATE LOANS LIMITED: OBTAINING ADDITIONAL FUNDS.] The Bank of North Dakota may transfer funds to other departments, institutions, utilities, industries, enterprises, or business projects of the state, and such funds shall be returned with interest to the Bank. It may make loans to counties, cities, or other political subdivisions of the state, or to state or national banks, on such terms and under such rules and regulations as the Industrial Commission may determine. It shall not make loans or give its credit to any individual, association or private corporation, except that it may make loans to residents of this state, if such loans are secured by duly recorded first mortgages on real estate, either rural or urban, in the State of North Dakota in amounts not to exceed one-half of the value of the security provided, that servicemen, and servicewomen, eligible for loans under the provisions of Title 3, of Public Law 346 of the 78th Congress, as amended, may make loans in amounts not to exceed seventy-five per cent of the value of the security; and it may make loans to any individual, association, or private corporation of such loans are secured by warehouse receipts issued by the Industrial Commission or by any licensed warehouse within the state in amounts not to exceed ninety

per cent of the value of the commodities evidenced thereby. The Bank, however, shall not loan more than thirty per cent of its capital, nor in addition thereto, more than twenty per cent of its deposits on real estate security. Additional funds that may be requested for such real estate loans shall be procured from the sale of state bonds as may be provided by law.

Filed March 22, 1947.

H. B. No. 263—(Langley)

DISTRIBUTION MOTOR VEHICLE FEES

AN ACT

To amend and reenact Section 39-0467 of the North Dakota Revised Code of 1943, providing for the distribution of motor vehicle registration fees.

March 22, 1947.

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota.
Dear Mr. Hall:

I am transmitting herewith House Bill No. 263 without my approval. For a good many years we have had what might be called compromise laws, providing for the distribution of the counties' share of gas tax revenue and motor registration fees. The gas tax revenue is distributed according to the number of motor vehicles registered and the motor registration fees according to the amounts of the fees received. This bill would break the compromise arrangement and distribute motor registration fees also on the basis of the number of vehicles registered. Registration fees are paid in lieu of personal property tax and the counties' share belongs to the county in which it is paid. At this time when \$2,941,-718.62 is being repaid to the motor registration fund, half of which is to be distributed to the counties, it would be doubly unfair to change the method of distribution from what it would have been in 1933, 1934 and 1935, when this money rightfully should have been distributed.

I therefore veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

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

§ 1. AMENDMENT.] That Section 39-0467 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0467. DISTRIBUTION OF REGISTRATION FEES COLLECTED.] Any moneys in the registration fund, accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, shall be transferred quarterly and credited by the state treasurer, as follows:

1. Fifty per cent to the state highway department; and
2. Fifty per cent to the counties of this state, which moneys shall be prorated among the counties in the 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.

Filed March 22, 1947.

S. B. No. 284—(Committee on Delayed Bills)

VALUATION BASIS FOR COMPUTING TAX

AN ACT

Amending and reenacting Subsection 4 of Section 21-0301 of the North Dakota Revised Code of 1943, defining "assessed value of taxable property," as used in Section 183 of the Constitution of the State of North Dakota, and "the value of taxable property" or "the assessed valuation," and providing that the same shall be on the basis of such value as finally equalized before reduction as provided by Section 57-0228 of the North Dakota Revised Code of 1943; that bond issues of school districts and municipalities shall be based on valuation as provided herein; and declaring an emergency.

March 22, 1947.

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota.
Dear Mr. Hall:

I am transmitting herewith Senate Bill No. 284 without my approval. This bill would double the limit of bonded in-

debtedness for the various political subdivisions of the state. During this period of inflation and adverse conditions of building and new construction of every kind we should use our united effort to keep the state and all political subdivisions on a cash basis. If emergency conditions justify bonded indebtedness, that indebtedness at this time should not be greater than permitted under the present law. There are a few school districts that because of fire losses have extraordinary problems. Had this bill been drafted to meet only those problems it would have had my approval. It would be unwise at this time to give the general encouragement to high bonded indebtedness embodied in this act. Attention should be called to the provisions of Senate Bills 209 and 150, which authorize villages, cities and school districts to establish by special increased levy a building fund. At a later date, when conditions are more favorable for building, money so accumulated together with a smaller bond issue should be adequate.

I therefore veto this bill.

Respectfully submitted,
 FRED G. AANDAHL
 Governor

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

§ 1. AMENDMENT.] That Subsection 4 of Section 21-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. "Value of taxable property" or "the assessed value of taxable property," as used in Section 183 of the Constitution of the State of North Dakota, or the "assessed valuation" of any municipality shall mean the value of all taxable property in such municipality as last finally equalized, and before the same is reduced as provided by Section 57-0228 of the North Dakota Revised Code of 1943, against which the mill rate of taxes for state and county purposes is computed and extended, except that if special improvement warrants were issued by a municipality prior to January 1, 1935, and bonds are issued to cover a deficiency in the fund for the payments of such warrants as provided in Section 21-0306, Subsection 2, Subdivision g, then for the purpose of determining the limit of indebtedness of such municipality as applied to the issuance of such bonds, such terms shall mean the full and true one hundred per cent value of all taxable property in such municipality as finally equalized by the state board of equalization;

§ 2. Whenever any school district in this state, whether common, special, or independent, or any other municipality or political subdivision of the State of North Dakota shall authorize a bond issue at an election held for such purpose, the levy required to be made for the purpose of establishing a sinking fund for the payment of the principal and interest of such bond issue shall be computed on the basis of "the assessed value of the taxable property, value of taxable property or assessed valuation," as set forth in Section 1 hereof.

§ 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.

Vetoed March 22, 1947.

RESOLUTIONS

House Concurrent Resolution "M"

(Bjella, Mollet, Smart, Gackle of McHenry, Ellingson,
Hofstrand, Stormon, Hildre, Saumur and Allen)

AIR TRANSPORTATION FROM DULUTH TO SEATTLE

A Concurrent Resolution Memorializing the Civil Aeronautics Board for early consideration in providing a Northern area of the United States as the Crow Flies from Duluth, Minnesota, to Seattle, Washington, with Regular Air Transportation Serving Chicago via the Twin Cities and Duluth and the Intermediate Points of Grand Forks, Devils Lake, Minot, Williston, Glasgow, Havre, Great Falls, Kalispel and Spokane.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, there is no transcontinental air service between Lake Superior and Seattle along the Northern part of the United States, and

WHEREAS, said territory can well support such service and is in fact operating one of the most successful railroad operations in the nation, and

WHEREAS, applications are pending on the part of air transport companies for such authority, and

WHEREAS, all of the cities and trade areas affected are desirous of having such service, and

WHEREAS, said service appears to be both economically feasible and necessary in the best interests of the country, and

WHEREAS, no through service is available from the intermediate territory to important commercial and industrial centers of the country East or West,

Now, Therefore, Be It Resolved, By the House of Representatives of the State of North Dakota, the Senate Concurring, Therein, That

1. The members of Congress from this state be requested to lend every effort towards the establishment of such service by presenting this resolution to the Civil Aeronautics Board and in person reporting to said Board the lack of transportation by air above set forth. Let copies of this resolution be sent by the Secretary of State to the Honorable William Langer and the Honorable Milton R. Young, Members of the United States Senate, and to the Honorable William Lemke and the Honorable Charles R. Robertson, members of Congress from North Dakota.

Filed March 10, 1947.

House Resolution No. 2—(Callahan)

HOUSE APPRECIATION TO GENERAL PICK, COLONEL WANAMAKER
AND PEOPLE OF GARRISON

A Resolution Expressing Appreciation to General Pick for his Address to the Joint Assembly and to Colonel Wanamaker and his Aides for Arranging Tour to Garrison Dam Site and to Express Appreciation to the People of Garrison for Arranging Tour at the Garrison Dam Site and Reception for the Members of the Legislative Assembly.

Be It Resolved By the House of Representatives of the State of North Dakota:

WHEREAS, at the request of both houses of the Legislative Assembly of the Thirtieth Session of the North Dakota Legislative Assembly, General Lewis A. Pick, Division Engineer, United States Engineers, Omaha, Nebraska, addressed a joint session of said assembly, and

WHEREAS, on January 26, 1947, the Joint Session of the Thirtieth Legislative Assembly visited the Garrison Dam Project, and

WHEREAS, the people of Garrison arranged a tour of said dam and also entertained said assembly,

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota that we wish to express our sincere appreciation to General Pick for his enlightening and informative address to the joint session of the Thirtieth Legislative Assembly, and

BE IT FURTHER RESOLVED that we do hereby express our thanks and appreciation to W. W. Wanamaker, Colonel, C. E., District Engineer, Garrison District and his aides in arranging and preparing for the members of the Legislative Assembly the necessary facilities to visit the Garrison dam site,

BE IT FURTHER RESOLVED that we express our appreciation to the people of Garrison and to all those who arranged said tour and reception for the members of the Legislative Assembly,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the clerk of the House to General Pick, United States Engineering Office, Room 539, Credit Building, Omaha, Nebraska, and to Colonel Wanamaker at Fort Lincoln, Bismarck, North Dakota, and to the proper persons at Garrison, North Dakota.

Filed February 17, 1947.

Senate Resolution No. C—(Conrad, Troxel)

**SENATE APPRECIATION TO GENERAL PICK, COLONEL WANAMAKER
AND PEOPLE OF GARRISON**

A resolution expressing appreciation to General Pick for his address to the Joint Assembly and to Colonel Wanamaker and his aides for arranging tour to Garrison dam site and to express appreciation to the people of Garrison for arranging tour at the Garrison dam site and reception for the members of the Legislative Assembly.

Be It Resolved By the Senate of the State of North Dakota:

WHEREAS, at the request of both houses of the Legislative Assembly of the Thirtieth Session of the North Dakota Legislative Assembly, General Lewis A. Pick, Division Engineer, United States Engineers, Omaha, Nebraska, addressed a joint session of said assembly, and

WHEREAS, on January 26, 1947, the Joint Session of the Thirtieth Legislative Assembly visited the Garrison Dam Project, and

WHEREAS, the people of Garrison arranged a tour of said dam and also entertained said assembly,

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota that we wish to express our sincere appreciation to General Pick for his enlightening and informative address, to the joint session of the Thirtieth Legislative Assembly, and

BE IT FURTHER RESOLVED that we do hereby express our thanks and appreciation to W. W. Wanamaker, Colonel, C. E., District Engineer, Garrison District and his aides in arranging and preparing for the members of the Legislative Assembly the necessary facilities to visit the Garrison dam site,

BE IT FURTHER RESOLVED that we express our appreciation to the people of the city of Garrison and to all those who arranged said tour and reception for the members of the Legislative Assembly,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the secretary of the Senate to General Pick, United States Engineering Office, Room 539, Credit Building, Omaha, Nebraska, and to Colonel Wanamaker at Fort Lincoln, Bismarck, North Dakota, and to the proper persons at Garrison, North Dakota.

Filed February 8, 1947.

Senate Concurrent Resolution No. 20—(Nordhougen, Page and Streibel)

CONTROL REMOVAL OVER BOX CAR SUPPLY AND DISTRIBUTION

A concurrent resolution demanding the removal of all controls over box car supply and distribution and allowing railroads to govern and allocate such equipment according to the needs of its patrons.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the supply of grain box cars has been short of actual needs for this territory and as a result thereof there has been a great financial loss to producers and country elevators, and

WHEREAS, our railroads serving this territory have been forced to operate on approximately fifty per cent of their own equipment while many eastern roads have been given one hundred and fifty per cent and more of car supply for L.C.L. freight, and

WHEREAS, impractical direction of transportation by the Office of Defense Transportation has resulted in discrimination against producers of this section in favor of eastern manufacturers and processors, and

WHEREAS, the evidence clearly indicates that arbitrary Office of Defense Transportation orders have been the cause of maldistribution of available box car supply and consequent backing up of food supplies in the country;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring therein, that all controls over the supply and distribution of box cars be removed and that the authority be given the various railroad units to govern and allocate their equipment according to the needs of their own patrons in keeping with a normal connecting line arrangement necessary to the operation of all American railroads;

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the secretary of state to the President of the United States, the Association of American Railroads, the Interstate Commerce Commission, and to North Dakota's delegation in Congress.

Filed March 10, 1947.

Senate Resolution "F"—(Wog and Rue)

C. G. BUSH

A resolution commending C. G. Bush of Beach, North Dakota, for his courageous acts.

Be It Resolved By the Senate of the State of North Dakota:

WHEREAS, it has come to the attention of the Senate of the Thirtieth Legislative Assembly of the state of North Dakota that on the afternoon of December 24, 1946, a private airplane carrying a pilot and three passengers crashed and burst into flames at the Beach, North Dakota airport; and

WHEREAS, it has come to the attention of the Senate that C. G. Bush of Beach, a man of advanced years, an eye witness of the crash, did rush out onto the field as the airplane burst into flames and, with nothing but his hands, dragged the four persons from the burning plane at great personal danger to himself; and

WHEREAS, it has come to the attention of the Senate that the Carnegie Foundation, Washington, D. C., has been informed of C. G. Bush's courageous and meritorious action;

NOW, THEREFORE, BE IT RESOLVED THAT THE SENATE OF THE STATE OF NORTH DAKOTA go on record as commending said C. G. Bush for his quick thinking and his courageous act in saving the lives of the occupants of such plane;

BE IT FURTHER RESOLVED that a properly enrolled copy of such resolution be forwarded by the Secretary of State to C. G. Bush at Beach, North Dakota, and a copy to Mrs. Frank H. Trygg of Bismarck, North Dakota.

Filed March 10, 1947.

Senate Concurrent Resolution No. 22—(Brunsdale and Strelbel)

SEVENTY-FIFTH BIRTHDAY CELEBRATION OF CITY OF BISMARCK

A Concurrent Resolution accepting the invitation to participate in Bismarck's seventy-fifth birthday celebration and extending the best wishes of the legislative assembly for a successful pageant and celebration.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, members of the legislative assembly have received an invitation to participate in the seventy-fifth birthday celebration of the city of Bismarck to be held on June 19, 20, 21 and 22;

NOW, THEREFORE, **BE IT RESOLVED** by the Senate of the State of North Dakota, the House of Representatives concurring therein, that we accept with great appreciation the kind invitation of the mayor and the president of the Association of Commerce of Bismarck and respectfully extend our best wishes to the city of Bismarck which will soon reach its seventy-fifth birthday. We sincerely hope that the pageant that will be presented depicting the history of the city of Bismarck will be a complete success and that the city of Bismarck will enjoy many more successful years;

BE IT FURTHER RESOLVED that the secretary of the Senate and clerk of the House of Representatives forward copies of this resolution to the mayor and president of the Association of Commerce of Bismarck.

Filed March 10, 1947.

House Concurrent Resolution "G"—(Stormon, Leet and Skaar)

NATION-WIDE DIVISION OF FAMILY INCOME FOR INCOME TAX
PURPOSES

WHEREAS, nine states of this nation, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Oklahoma, Texas, and Washington, are so-called community property states and have laws providing that the income from property and earnings of both husband and wife is community income and belongs to each equally,

AND WHEREAS, in these states each spouse may report one-half of the income to the federal government in separate income tax returns and thus secure the benefit of income tax savings, thus giving to about 21,000,000 people in the United States a tax privilege which is denied to the remainder of the population,

AND WHEREAS, this situation in these times, when so large a burden of taxation rests upon us, is intolerable,

AND WHEREAS, if this condition be not corrected, many of those in the middle and higher brackets will be lured away from North Dakota to establish their homes in one of the community property states,

AND WHEREAS, the privileges which the citizens of these community property states enjoy cannot be taken away because of the laws on their own statute books which the federal government recognizes,

AND WHEREAS, the inequality can be cured by a federal law providing for a nation-wide method of division of family incomes for income tax purposes, which method is now under consideration by certain officials of the United States treasury,

THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of North Dakota, the Senate concurring therein, that we do hereby protest and condemn the aforesaid unfair condition which exists with respect to federal income taxes, and that we urge the speedy amendment of our federal income tax laws to provide for a nation-wide method of division of family incomes for income tax purposes; that we urge our Senators and Representatives in Congress to do all in their power to secure such an amendment and correct this unfair situation;

BE IT FURTHER RESOLVED, that the Chief Clerk of the House is hereby authorized to forward a copy of this resolu-

tion to each member of the congressional delegation from the state of North Dakota; also a copy to the Secretary of the Treasury, to the President pro tempore of the United States Senate, to the Speaker of the United States House of Representatives, and to Honorable Harold Knutsen, Chairman of the Finance Committee, House of Representatives, Washington, D. C.

Filed February 28, 1947.

House Concurrent Resolution "Z"—(Falconer, Bubel, Bagge and Byers)

MAINTENANCE OF 90% PARITY ON BASIC FARM CROPS

A concurrent resolution petitioning Congress to enact permanent legislation to maintain a floor of not less than ninety per cent 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, the gross debt of the government of the United States has increased from about forty billion to about two hundred sixty billion dollars during the period of World War II from 1939 to 1946; and

WHEREAS, interest must be paid annually and the debt gradually liquidated if the government is to be saved from insolvency or bankruptcy; and

WHEREAS, it must be self-evident that if we are to avoid lower living standards and if this debt is to be serviced and paid, it must be through the production of new wealth from the natural resources of the United States; and

WHEREAS, the national income of the United States and the gross income of agriculture of this country have each only slightly more than doubled during the same time, and these must bear the chief burden of taxes in maintaining the national solvency; and

WHEREAS, our gross farm income represents about sixty-five per cent in dollar value of our annual production of new wealth and in turn our national income regularly averages approximately seven times the dollar amount of gross farm income; and

WHEREAS, a return to the 1939 price and income levels for farm products would reduce our national income about fifty per cent or from about one hundred sixty billion to less than eighty billion dollars,

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 ninety per cent 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.

Filed March 10, 1947.

Senate Concurrent Resolution No. 21—(Reinke, Frojen, Sandness, Page and Bridston)

PAYMENT OF 1946 FLAX PRICE DIFFERENTIAL

A concurrent resolution memorializing the Congress of the United States to provide funds for the payment of the difference between the ceiling price on flax and the price obtainable after the ceiling had been lifted.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the federal government during the summer of 1946 imposed a ceiling on flax of four dollars per bushel; and

WHEREAS, such ceiling was given wide publicity in government news releases and reports and stated that the farmer would receive no benefit by holding his flax for sale at a later date; and

WHEREAS, the public was warned that the stocks of oils would be the smallest in thirty years and the farmers were repeatedly urged by the federal government, its agencies, and representatives to market their flax; and

WHEREAS, many farmers of this state relying on such news releases and information cooperated with the federal government by marketing such flax to alleviate economic conditions and keep oil crushers in operation; and

WHEREAS, after the farmers had sold their flax, the federal government lifted the ceiling on flax on October 17, 1946, so that by October 25, 1946, the price of flax had zoomed eighty per cent or to seven dollars and twenty-five cents per bushel; and

WHEREAS, the federal government at the time of imposing the ceiling on flax knew and had knowledge that the ceiling would be lifted as it had agreed to purchase from Argentina flax or its derivative, oil, the agreed price of which was the equivalent of six dollars per bushel for Argentina flax; and

WHEREAS, the farmers have suffered a gross injustice due to their reliance upon the representations made by the federal government, its agencies and representatives;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Thirtieth Legislative Assembly of the State of North Dakota, respectfully memorialize Congress to provide to farmers who marketed their 1946 flax, sufficient federal funds for the payment of the difference between the ceiling price on flax of four dollars per bushel and the sum of seven dollars and twenty-five cents per bushel, which the farmers would have secured had they held their flax until the ceiling had been lifted;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Secretary of Agriculture of the United States, to the United States Senate, the United States House of Representatives and each of the senators and representatives of the State of North Dakota in the Congress of the United States.

Filed March 10, 1947.

House Concurrent Resolution "W"—(Committee on Agriculture)

STRENGTHENING FOOT AND MOUTH DISEASE CONTROL

A Concurrent Resolution to the Congress of the United States petitioning Congress to strengthen present sanitary requirements governing the importation of livestock and livestock products and to appropriate additional funds to the Bureau of Animal Industry, United States Department of Agriculture, in order that border inspection may be improved and a system of patrol established along the northern boundary of Mexico to guard against the importation of people, animals and materials carrying the infection of foot and mouth disease, and also petitioning Congress to offer to the government of the Republic of Mexico such facilities as may be available from the Bureau of Animal Industry, United States Department of Agriculture, and appropriating money to provide for such facilities and to extend aid to the government of the Republic of Mexico in order that foot and mouth disease may be eradicated.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, foot and mouth disease now exists in livestock in the republic of Mexico; and

WHEREAS, The disease has spread rapidly into a number of states in the vicinity of Mexico City and has now reached as far west and north as the State of Zacatecas; and

WHEREAS, It is extremely doubtful if the government of the Republic of Mexico can eradicate this disease from their livestock without additional assistance; and

WHEREAS, The presence of foot and mouth disease in the Republic of Mexico presents a very definite threat to the prosperity of the livestock industry and the entire economic welfare of the United States;

NOW, THEREFORE, BE IT RESOLVED BY THE THIRTIETH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE AND HOUSE OF REPRESENTATIVES CONCURRING, That we earnestly petition the Congress of the United States to strengthen the present sanitary requirements governing the importation of livestock and livestock products from Mexico and from other countries in which foot and mouth disease exists.

BE IT FURTHER RESOLVED That we earnestly petition Congress to appropriate additional funds to the Bureau of Animal Industry, United States Department of Agriculture, in order that border inspection may be improved and a system of patrol be established along the northern boundary of Mexico to guard

against the importation of people, animals and materials carrying the infection of foot and mouth disease.

BE IT FURTHER RESOLVED That we petition and urge the Congress of the United States to offer to the government of the Republic of Mexico such facilities and assistance as may be available from the Bureau of Animal Industry, United States Department of Agriculture, and to appropriate funds to provide for this assistance and to provide direct financial aid to the government of the Republic of Mexico in order that foot and mouth disease be eradicated from their livestock.

BE IT FURTHER RESOLVED That a copy of this Concurrent Resolution be forwarded by the Secretary of State to the President of the United States and to the President pro tem of the United States Senate, the Speaker of the House of Representatives, the Honorable Secretary of State, the Honorable Secretary of the United States Department of Agriculture and to the Senators and Representatives in Congress from the State of North Dakota with the request that they bring this matter forcibly to the attention of the Members of the Congress of the United States.

Filed March 10, 1947.

House Concurrent Resolution "T"—(Smart, Bubel, Fitch and Haugen)

RECOGNITION OF OUTSTANDING SERVICE OF G. A. GILBERTSON

In Recognition of Outstanding Service to the State of North Dakota by G. A. Gilbertson.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, The State of North Dakota and its people are grateful and deeply appreciative of those public servants, officials and employees who have served our State and its people long and faithfully; and

WHEREAS, It is the wish of the members of this body to recognize and commend one of its public servants, G. A. Gilbertson, for years of meritorious public service, in the office of the Secretary of State of North Dakota;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the Thirtieth Legislative Assembly of the State of North Dakota, the Senate concurring therein, that we do hereby express our appreciation to G. A. Gilbertson for

his loyal and continuous service to the State of North Dakota, his honest administration of government, integrity in office, and his furtherance of all good and worthy causes for the betterment of the State, and his fellowmen; and

BE IT FURTHER RESOLVED, That this resolution be printed in the Journal, and that an engrossed copy be forwarded by the Clerk of the House of Representatives to G. A. Gilbertson, Bismarck, North Dakota.

Filed February 14, 1947.

Senate Concurrent Resolution No. 7—(Schrock)

GUMMED ANNOTATIONS TO N. D. REVISED CODE OF 1943

A Concurrent Resolution requesting the Secretary of State to distribute gummed annotations to all licensed attorneys, members of the Thirtieth Legislative Assembly, and county officials.

Be It Resolved By the Senate of the Legislative Assembly of the State of North Dakota, the House of Representatives Concurring:

That the Secretary of State of the State of North Dakota be requested to distribute gummed annotations to the North Dakota Revised Code of 1943 to all licensed attorneys, to the members of the Thirtieth Legislative Assembly, and to all county and state officials, who have received and possess the North Dakota Revised Code of 1943.

Filed February 26, 1947.

House Concurrent Resolution "E"—(Smart, Maher, Brady, Bagge, Ohnstad, Pflieger, Leet, Stormon, Skaar and Bjella)

IMMEDIATE CONSTRUCTION OF HEART RIVER AND OTHER PORTIONS OF MISSOURI-SOURIS PROJECT

A concurrent resolution memorializing Congress for federal appropriations for immediate construction of the Heart River Project, including the Heart Butte and Dickinson reservoirs, the Sheyenne Dam and other portions of the Missouri-Souris Project, all integral parts of the coordinated plan for Missouri Basin Development, as authorized by the Congress in Public Law 254.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, The Congress of the United States in the Flood Control Act passed December 22, 1944, provided for a comprehensive development of the Missouri River Basin; and

WHEREAS, one of the large reservoirs in connection therewith is located in the State of North Dakota, justifiable primarily for navigation, power, and flood control; and

WHEREAS, said Act provides for the diversion of Missouri River waters from the Fort Peck reservoir into Western, Central, and Eastern North Dakota for irrigation and reclamation; and

WHEREAS, such diversion is desperately needed for rehabilitation of Devils Lake and providing for the domestic and commercial needs of such cities, among others, as Jamestown, Valley City, Enderlin, Fargo, Moorhead, Grand Forks, and East Grand Forks; and

WHEREAS, surveys and other necessary preliminary work have been completed on both the Dickinson and Heart Butte reservoirs to justify letting of construction contracts on said projects; and

WHEREAS, the Sheyenne Dam is a part of said Basin development plan and necessary both to effect such conversion and reclamation and to permit of the irrigation of large acreage in Eastern Montana and Northwestern and Central North Dakota; and

WHEREAS, two hundred million dollars have been authorized for initial stages of construction in connection with said Missouri Basin Development;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring therein, that Congress and the Federal Agencies having said development in hand be and hereby are memorialized

and petitioned to provide or make available the necessary funds for immediate construction of the Dickinson and Heart Butte dams and such portions of the Missouri-Souris Project as have reached construction stage and in particular the Sheyenne Dam, this being the regulatory reservoir effecting diversion to the Devils Lake Basin and the restoration of Devils Lake and the James, Sheyenne and Red River of the North where water is sorely needed for human consumption and industrial development, especially in the cities hereinbefore referred to; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the President of the United States, the Secretary of the Interior, the Secretary of War, the Chief of the Corps of Army Engineers for this District, and the Commissioner of the Bureau of Reclamation, as well as the Chairman of the Appropriations, Irrigation and River and Harbor's Committees of the House and Senate of the United States. That copies be likewise sent to the Secretary of the National Reclamation Association and to North Dakota's delegation in Congress.

Filed February 26, 1947.

House Concurrent Resolution "V"—(McInnis, Bagge and Wambheim)

**EXTENSION OF AVAILABILITY OF FEDERAL AID FUNDS OVER
YEARS 1947, 1948 AND 1949**

A concurrent resolution memorializing the Congress of the United States to extend the time for availability of funds under the Federal Aid Act of 1944.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, The Federal Aid Highway Act of 1944 authorized the apportionment of certain funds for each of the first three successive postwar fiscal years for federal aid highways, the federal aid secondary roads, and for projects on the federal aid highway system in urban areas; and

WHEREAS, Section 4(d) of said act provides that any sums so apportioned to any state shall be available for expenditure in such state for only one year after the close of the fiscal year for which it is apportioned and that any sum so apportioned that remains unexpended at the end of such period shall lapse and revert to the Treasury of the United States; and

WHEREAS, The aforesaid provisions of Section 4(d) of said act will operate to cause each state to lose any portion of such funds apportioned to it for the first postwar fiscal year that may not be expended by June 30, 1947; and for the second postwar fiscal year not be expended by June 30, 1948; and for the third postwar fiscal year not expended by June 30, 1949; and

WHEREAS, The highway departments of many of the states are certain that the elements of inflation and the acute shortages of labor and engineering personnel, materials and equipment that are known to exist will make it impossible to have these funds expended within the time now prescribed by said Act, and said highway departments and the public generally realize that the need for the expenditure of such funds on highway work is, and will be, more intensified by reason of obsolescence, deterioration, increased unit costs, and ever mounting traffic volumes;

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 enact suitable legislation to extend the periods of availability of such funds for twelve (12) months after June 30th of each year of the years 1947, 1948 and 1949; 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 Works Administrator and the Commissioner of Public Roads of the United States, and to North Dakota's delegation in Congress.

Filed March 10, 1947.

Senate Concurrent Resolution No. 3—(Introduced by Senators Work,
Page and Reinke)

RECORD SYSTEM FOR PRINTED BILLS AND RESOLUTIONS

WHEREAS, at the present time the printed bills do not contain a system by which a day to day record can be kept; and

WHEREAS, such a system would aid the members of the legislative assembly;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring therein, that hereafter all printed bills and resolutions shall contain on the first page thereof a record containing the following information:

Introduced)	
1st Reading	)	.....
Referred to		
Committee on		.....
Reported Back		.....
Recommendation		.....
2nd Reading		.....
Final Passage		.....
Other Action		.....
To		.....
<hr/>		
Ret'd by		.....
Final Action		.....

BE IT FURTHER RESOLVED that all printed bills and resolutions shall show on the first page thereof the committee to which such bill or resolution is referred and that such information be inserted at the top of such bill or resolution preceding the title of the bill or resolution.

Filed February 7, 1947.

House Concurrent Resolution No. "CC"—(Fitch, Haugen, Smart
and Bubel)

**IMPROVEMENT OF CAPITOL BUILDING COMMITTEE ROOMS AND
LEGISLATIVE CHAMBERS**

A concurrent resolution authorizing and directing the Board of Administration to improve the committee rooms and legislative chambers in the capitol building.

Be It Resolved by the House of Representatives, of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the committee rooms in the state capitol building have proven inadequate during past legislative sessions due to improperly arranged rooms, poor acoustics and ventilation in such rooms, and inadequate furniture and fixtures, and the failure of the air conditioning system to operate properly in the House and Senate chambers,

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring therein, that the Board of Administration is hereby authorized and directed to confer with the legislative research committee to investigate, determine, and correct such inadequacies in such committee rooms by:

1. Altering, renovating, or remodeling such rooms in any manner it may be advisable;
2. Providing better acoustics;
3. Improving the present air conditioning system; and
4. Providing proper furniture and fixtures in such rooms.

BE IT FURTHER RESOLVED that the air conditioning system be improved in the Senate and House chambers so as to ventilate such chambers properly.

BE IT FURTHER RESOLVED that the Board of Administration after conferring with the legislative research committee may make such contracts as may be necessary to carry out the provisions of this resolution.

Filed March 10, 1947.

Senate Resolution No. "A"—(Morgan)

RENTAL OF DOWNTOWN COMMITTEE ROOM

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 Bismarck in which the appropriation committee of the Senate may meet, the same to be charged to Legislative Expense.

Filed January 25, 1947.

Senate Concurrent Resolution No. 6—(Senate Rules Committee)

REVISED CODES FOR USE OF VARIOUS LEGISLATIVE COMMITTEES

A Concurrent Resolution Providing Revised Codes for the Use of Various Committees of the Senate and House of Representatives.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, in the various Committee meetings it is often necessary to refer to the Code and for that reason a code should be available for such use;

THEREFORE, BE IT RESOLVED, That the Secretary of State be authorized and directed to furnish twenty-seven copies of the Revised Code of 1943 and twenty-seven copies of the 1945 Session Laws; fifteen copies of which are to be distributed to the Committee Rooms of the House, and twelve copies to the Committee Rooms of the Senate, each volume to be stamped or labeled "Property of the State of North Dakota", and under the custody of the various Committee Chairmen using same, whose duty it shall be, at the close of the session, to deliver them to the Secretary of State to be kept by him for the use of succeeding sessions of the Legislature, and that a copy of this Resolution duly certified by the Secretary of the Senate be delivered to the Secretary of State as his authority for furnishing same.

Filed February 7, 1947.

House Resolution No. 6—(Johnson of Cass)

**APPROVAL AND ACCEPTANCE OF ELECTRIC ROLL CALL SYSTEM
BY THE HOUSE OF REPRESENTATIVES**

Be It Resolved By the House of Representatives of the State of North Dakota:

That the House of Representatives of the State of North Dakota approves and accepts the Electric Roll Call System and authorizes the Board of Administration to pay the full contract price thereof as soon as all the equipment is received and installed, as provided in the contract between the Board of Administration and B. K. Skeels of Bismarck, North Dakota, the contractor, and as provided by the terms of Chapter 71 of the 1945 Session Laws of the State of North Dakota.

Filed March 10, 1947.

Senate Concurrent Resolution No. 25—(Flatt and Brunsdale)

**AUTHORIZING INSTALLATION ELECTRIC VOTING SYSTEM IN
SENATE CHAMBER**

A Concurrent Resolution authorizing and directing the Board of Administration to install an electric voting system in the Senate chamber.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the State of North Dakota has one of the most modern capitol buildings in the United States; and

WHEREAS, The Senate is still using an outmoded roll call system in its chamber;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring therein, that the Board of Administration is hereby authorized and directed to install an electric roll call system in the Senate chamber and to make a contract for the purchase and installation thereof. Said installation shall be completed at the earliest possible date so as to be available for use during the regular session of the legislative assembly in 1949.

Filed March 10, 1947.

Senate Concurrent Resolution No. 4—(Employment Committee)

DESIGNATION OF LEGISLATIVE EMPLOYEES AND THEIR SALARIES

A Concurrent Resolution Providing and Designating Senate and House Employees and Naming and Fixing Their Salaries:

Be It Resolved By the Senate of the Thirtieth Legislative Assembly of the State of North Dakota and the House Concurring:

That for and during this Thirtieth Legislative Assembly the following named persons be employed and appointed as officers and employees of the Senate and of the House and shall be paid the compensation set opposite their respective names:

SENATE

Walter J. Trout, Secretary of the Senate	\$12.00
Arthur J. Mundy, Ass't Secretary of the Senate	10.00
Eveleen Klaudt, Desk Reporter	12.00
Marjorie E. Dahl, Bill Clerk	10.00
Emil Strand, Sgt.-at-Arms	8.00
H. H. Dahl, Ass't. Sgt-at-Arms	7.00
Beverly Martz, Stenographer	9.00
Helen Crawford, Stenographer (Part time)	6.00
Phyllane Vick, Stenographer	9.00
Helen Steckman, Stenographer	9.00
Muriel Olson, Stenographer	9.00
Myrtle Steen, Appr. Committee Steno	10.00
Pearl Engen, Enrolling-Engrossing	8.00
Mrs. P. J. Curtis, Ass't. Enroll.-Engrossing	8.00
Mrs. Una Nierling, Telephone Messenger	7.00
John Benson, Proofreader	8.00
Oscar A. Olson, Proofreader	8.00
John S. Hove, Bill Room	7.00
Dave Brown, Bill Room	7.00
Geneva Smith, Postmistress	8.00
Almon Norton, Mail Clerk	7.00
George Heglund, Mail Clerk	7.00
James Crowe, Mail Clerk	7.00
Ray Dietz, Mail Clerk	7.00
Gust Gilbertson, Calendar Clerk	8.00
Alice D. Wagner, Chart Room	7.00
Mrs. Frank Barnes, Chart Room	7.00
Minnie J. Kurfirst, Chart Room	7.00
E. L. Christensen, Chart Room	7.00
F. J. Herman, Chart Room	7.00
Reuben Olson, Committee Clerk	8.00

C. E. Thomas, Committee Clerk	8.00
L. L. Rudrud, Committee Clerk	8.00
M. F. Peterson, Committee Clerk	8.00
N. E. Elsworth, Messenger to Governor	7.00
Ray Unzelman, Doorkeeper	7.00
Dominick Lefor, Doorkeeper	7.00
F. J. McConville, Doorkeeper	7.00
W. F. King, Doorkeeper	7.00
H. R. Bonny, Doorkeeper	7.00
Luggi Zappardino, Doorkeeper	7.00
Jerry Stair, Page	7.00
Cleo Hamilton, Page	7.00
Betty Pavlik, Page	7.00
Doris King, Page	7.00
E. Wilson Willoughby, Cloak Room Attendant	7.00
J. B. McEown, Committee Room Attendant	7.00
Minnie Thatcher, Committee Room Attendant	7.00
Charlton Danielson, Committee Room Attendant	7.00
L. R. Reynolds, Committee Room Attendant	7.00
George Brauer, Messenger to House	7.00

HOUSE

Kenneth Morgan, Chief Clerk	\$12.00
John O. Koehn, Assistant Chief Clerk	10.00
Ruth Smith, Desk Reporter	12.00
Assistant Desk Reporter	10.00
Oswald Kruisk, Sergeant-at-Arms	8.00
Assistant Sergeant-at-Arms	7.00
Dorothy Hopeman, Proofreader	8.00
Mrs. Gilma Yonker, Proofreader	8.00
O. J. Lokken, Calendar Clerk	9.00
Miles Nelson, Head Mailing Clerk	9.00
Fred Fischer, Assistant Mailing Clerk	7.00
Raymond Larson, Mailing Clerk	7.00
Mrs. I. A. Smith, Mailing Clerk	7.00
G. L. Wolseth, Mailing Clerk	7.00
Harry Hoffman, Main Doorkeeper	7.00
Philip Krank, Doorkeeper	7.00
Henning Gunhus, Doorkeeper	7.00
John Sailer, Doorkeeper	7.00
M. Carl Olson, Postmaster	8.00
J. O. Fossen, Bill Clerk	9.00
Leonard A. Schnider, Messenger to Senate	7.00
Arthur Moerke, Page	7.00
Robert Madland, Page	7.00
Arnold Fredrickson, Page	7.00
Mrs. F. H. Richholt, Page	7.00
Ruth Staley, Enrolling Clerk	8.00
Anne Ulmen, Enrolling Clerk	8.00

Alf Erickson, Messenger to Governor	7.00
E. O. Hougen, Bill Room Clerk	7.00
Ole Evans, Bill Room Clerk	7.00
Alda Moe, Committee Clerk	8.00
Geraldine Appelquist, Committee Clerk	8.00
Mrs. Louise W. Fink, Stenographer	10.00
Rose Lewis, Stenographer	10.00
Bernice Ulmer, Stenographer	10.00
Mrs. Harriet Raaen, Stenographer	10.00
Donna Frost, Stenographer	10.00
Sigrid A. Scannell, Stenographer	10.00
Roger J. Metz, Coat Room Attendant	7.00
Pauline Roche, Committee Clerk	8.00

Filed February 11, 1947.

Senate Concurrent Resolution No. 11—(Committee on Employment)

USE OF MEMORIAL HALL FOR LEGISLATIVE EMPLOYEE'S 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 30th 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 February 7, 1947.

House Concurrent Resolution "EE"—(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the Senate and the House.

Be It Resolved By the House of Representatives, of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, are hereby authorized, empowered and employed to compare and index the Journal of the Thirtieth Legislative Assembly, and the said W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within twenty days after the adjournment of the session,

BE IT FURTHER RESOLVED, that for the services of the said W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, as above set forth, that they be paid the sum of five hundred dollars each, which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said W. J. Trout and Kenneth Morgan showing completion of such work.

Filed March 10, 1947.

House Concurrent Resolution "DD"—(Joint Committee on Employment)

RETENTION CERTAIN EMPLOYEES FOR COMPLETION OF 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, Fred Fisher, Gunder Wolseth and Mrs. I. A. Smith, mailing clerks of the Thirtieth 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 Mrs. Gilma Yonker, proofreader of the House, and John W. Benson, proofreader of the Senate, be retained for four days after the close of the session to finish proof reading the Journals of the House and Senate for

the last day of this Thirtieth Legislative Assembly; that Arthur Mork and Robert Madland, 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 M. Carl Olson and Geneva Smith, postmaster and postmistress 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 to be paid for said additional five days the sum of nine dollars per day and that Fred Fisher, Gunder Wolseth and Mrs. I. A. Smith be paid for said additional five days the sum of seven dollars per day; that Mrs. Gilma Yonker and John W. Benson, proofreaders of the House and Senate, respectively, be paid the sum of eight dollars per day for four days; that Arthur Mork, Robert Madland, Betty Pavlik and Doris King, as pages, be paid the sum of seven dollars per day for said additional two days; and that M. Carl Olson and Geneva Smith, postmaster and postmistress, respectively, be paid the sum of seven 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 such work.

Filed March 10, 1947.

House Concurrent Resolution "FF"—(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 con-

curing therein, that such compilation be at once prepared in a pamphlet similar in size to the House and Senate Journals; that Kenneth L. Morgan, Chief Clerk of the House be employed for the House and Eveleen Klautt, 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 Kenneth L. Morgan and Eveleen Klautt be and they 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 10, 1947.

Senate Concurrent Resolution No. 2—(Employment Committee)

JANITOR SERVICE

A Concurrent Resolution Providing for Janitor Service and the payment thereof for the Thirtieth Legislative Assembly.

Be It Resolved By the Senate of the Thirtieth Legislative Assembly of the State of North Dakota, the House of Representatives Concurring Therein:

That the Board of Administration be authorized to employ janitors for the Thirtieth Legislative Assembly and that there be appropriated to the Board of Administration the sum of Fifteen Hundred Dollars (\$1,500.00) for the payment of the same.

Filed February 7, 1947.

House Concurrent Resolution "B"—(Haugen, Johnson, Stair, Smart, Langley and Levin)

LEGISLATIVE RESEARCH COMMITTEE MEMBERSHIP

A Concurrent Resolution providing that certain Senators and all Representatives, chosen as members of the Legislative Research Committee, continue as members of the committee during the Thirtieth Session of the Legislative Assembly until members of the committee are again chosen before the close of the session.

WHEREAS, Chapter 289 of the laws passed at the Twenty-ninth session of the Legislative Assembly of the State of

North Dakota, creating a legislative committee known as the legislative research committee, provided that each Senator and each Representative chosen to serve on the committee shall serve until the closing day of the term to which he was elected; and

WHEREAS, the term to which were elected all representatives, chosen to serve on the committee, and the term to which were elected Senators E. H. Brant and Rilie R. Morgan have now ended; and

WHEREAS, said legislative research committee now consists of but three hold-over senators, Senators John Conrad, R. M. Streibel, and Hjalmer Nelson, instead of six representatives and five senators as originally provided; and

WHEREAS, it is very necessary that said legislative research committee have a full membership, representing both the House of Representatives and the Senate, during the present session of the Thirtieth Legislative Assembly until such time, before the close of the session, when members of said committee will again be chosen, so that said committee may adequately discharge its duties to the Legislative Assembly and fully perform the functions imposed upon it by law and the rules of the assembly; and

WHEREAS, all members of the legislative research committee, whose terms of office as senators and representatives have expired, have been reelected, and are again members of the House of Representatives and of the Senate, respectively,

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That said Senators E. H. Brant and Rilie R. Morgan, and Representatives Palmer Levin, Donnell Haugen, Arlan Stair, Vernon M. Johnson, E. J. Langley, and W. M. Smart, chosen as members of the legislative research committee before the close of the Twenty-ninth Legislative Assembly, shall continue to serve as members of said committee during the session of the Thirtieth Legislative Assembly until such time, before the close of the present session, when members of said committee will again be chosen as provided by law;

That said senators and said representatives be and they are hereby chosen and selected by their respective houses, as members of said committee for the interim above indicated in all respects and to all extents and purposes as if said representatives and senators had been chosen and selected in accordance with the provisions of said Chapter 289 of the 1945 Session Laws of the State of North Dakota, with all the

powers, duties and authority provided by law but without further per diem compensation.

Filed February 17, 1947.

House Resolution No. 3—(Erickson, Sellens and Fleck)

OFFICIAL PHOTOGRAPHER: HOUSE

Resolution to appoint an official photographer for the House of Representatives of the Thirtieth Legislative Assembly 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 Thirtieth 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 seven 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 Thirtieth Legislative Assembly.

BE IT FURTHER RESOLVED: That the Campbell Studio of Bismarck, be and is hereby awarded the sole privilege of photographing members of the House of the Thirtieth Legislative Assembly, at a cost price of seven hundred and seventy-five dollars, to be taken out of legislative expenses.

Filed February 28, 1947.

Senate Resolution "B"—(Wahlund)

OFFICIAL PHOTOGRAPHER: SENATE

Resolution to appoint an official photographer for the Senate of the Thirtieth Legislative Assembly 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, A. Risem of Bismarck, North Dakota, offers to make a composite group picture of the Thirtieth Legislative Assembly, size 30 x 40, such picture to be framed and ready to hang, and fifty-four eleven by fourteen copies of said picture for each member and desk force of the Senate but not to be framed, at a cost of three hundred three dollars.

NOW THEREFORE, BE IT RESOLVED: That Risem Studios of Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota Senate of the Thirtieth Legislative Assembly.

BE IT FURTHER RESOLVED: That the Risem Studio of Bismarck, be and is hereby awarded the sole privilege of photographing members of the Senate of the Thirtieth Legislative Assembly, at a cost price of three hundred three dollars.

Filed February 7, 1947.

House Concurrent Resolution "K"
(Wambheim, Lillehaugen, Dronen, Williams and Wollitz)

BARRING LIQUOR ADVERTISING FROM INTERSTATE MAILS, ETC.

A Concurrent Resolution Memorializing the Congress of the United States to enact legislation barring all forms of liquor advertising from Interstate Mails, from Radio and Motion Picture Programs.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the Legislative Assembly of the State of North Dakota does hereby memorialize and petition the Congress of the United States to enact legislation now introduced in the Senate of the United States to bar all forms of liquor advertising from interstate mails and from radio and motion picture programs.

It is the sense of the House of Representatives and the Senate that such liquor advertisements coming through the interstate mails and over the radio and in motion picture programs are detrimental to the morals, health, and safety of the people, and particularly to the youth of our country, and, therefore, should be banned and barred from all interstate mails, radio and motion picture programs.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to send copies of this Resolution properly authenticated to the presiding officer of each house of the National Congress and to each of the United States Senators and Representatives from the State of North Dakota.

Filed March 10, 1947.

Senate Memorial Resolution "C"—(Leno)

JOHN J. ADAMS

WHEREAS, God in His infinite wisdom has seen fit to summon to eternal rest His servant and a former member of the legislative assembly, John J. Adams who passed to his reward on July 26, 1945;

WHEREAS, he was born in Dobrugea, Rumania, January 25, 1877 and educated in German and Rumanian grade schools, and came to North Dakota directly from Rumania in 1902 and homesteaded in Sheridan county;

WHEREAS, John J. Adams served as a highly respected member of the House of Representatives from the Thirty-fifth legislative district during the 1935, 1937, and 1939 sessions and as a member of the Senate during the 1941 and 1943 sessions;

WHEREAS, he set an example of love and simplicity and local security, by his constant interest and influence in his community and its welfare;

WHEREAS, his passing is a severe loss to his community and to this state and a cause for personal grief to his former associates in the legislative assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota that we express our sincere sympathy to the family of our former colleague and to the members of his community; and

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a properly enrolled copy thereof be sent by the Secretary of State to his wife at Drake, North Dakota; also copies of the resolution be sent to Mrs. Adams to be forwarded to the children at their respective addresses.

Filed February 26, 1947.

Senate Memorial Resolution "F"—(Bilden)

HORACE F. ARNOLD

WHEREAS, the late Horace F. Arnold of the Fifth Legislative District passed to his eternal reward on October 14, 1945;

WHEREAS, he represented said legislative district in the second assembly, and in private life was a splendid example of integrity, loyalty, and conscientious endeavor and good citizenship;

WHEREAS, in his passing North Dakota has lost a true friend and a leader in the preservation of sound liberal government, honestly administered;

NOW, THEREFORE BE IT RESOLVED by the Senate of the Thirtieth Legislative Assembly of the State of North Dakota that we express the keen sorrow which we feel because of his passing;

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a properly enrolled copy of the resolution be sent by the Secretary of State to his wife and children.

Filed February 25, 1947.

Senate Memorial Resolution "G"—(Frojen)

IRA A. BARNES

WHEREAS, the late Ira A. Barnes, of Ellendale, North Dakota, one of North Dakota's most public interested citizens was called to his eternal rest March 7, 1946, and

WHEREAS, he was born in Martinville, New York, April 6, 1855, came to Dakota Territory March 19, 1883, and homesteaded in what is now Yorktown Township, Dickey County, where he was engaged in farming for over a third of a century. On March 23, 1886, he was married to Agnes Nesbit McFadden in Sterling, New York. To them were born three boys and five girls. The members of his family who survive him are his five daughters.

WHEREAS, he served his local community at various times in township and school offices and was an alderman in Ellendale. He was delegate to the first Democratic state convention and was chosen its permanent Secretary. He was a member of the Dickey County Historical association for many years and devoted much time to assembling historical data of pioneer days which were incorporated into the history of Dickey County.

WHEREAS, he served his legislative district in the North Dakota Senate during the sessions of 1913 and 1915.

THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota that we pay tribute to the memory of this loyal citizen and that we express our appreciation of his devoted service to the State and his community.

BE IT FURTHER RESOLVED, that a copy of this Resolution be printed in the Senate Journal and that a copy of the same be sent by the Secretary of State to his daughter Mrs. (Maud) F. W. Blumer, Ellendale, North Dakota, also copies of the Resolution be sent to Mrs. Blumer to be forwarded by her to the other surviving daughters: Mrs. (Laura) Geo. A. Johnson, Mrs. (Barbara) R. A. Gerber, Mrs. (Bertha) B. F. Knuth, Mrs. (Belva) Geo. A. Dainty.

Filed February 26, 1947.

Senate Memorial Resolution "B"—(Leno)

OSCAR E. ERICKSON

WHEREAS, God in his wisdom saw fit to summon to his eternal rest Oscar E. Erickson on August 15, 1945;

WHEREAS, he was born on July 7, 1884, at Bloomer, Wisconsin, of Scandinavian parents who emigrated from Norway and were early pioneers in the Northwest. He finished his elementary and parochial education in Bloomer, Wisconsin,

and ventured to North Dakota in 1905 and as a youth settled on a homestead near Tappen in Kidder County;

WHEREAS, he was elected representative from the Thirty-fifth legislative district in 1923 and served in that capacity continuously until 1932 and during the 1931 session he acted as the minority floor leader;

WHEREAS, he was elected senator from the Thirty-fifth legislative district in 1932 and served in that capacity during the 1933 and 1935 legislative assemblies;

WHEREAS, he was elected State Insurance Commissioner in 1936 and began his first term in January, 1937 and was reelected to such office in 1938, 1940, 1942 and 1944 and passed away during the last term of office to which he was elected;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota, that we express our sincere appreciation of his loyal and devoted service and we further express our sorrow at his passing; and

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and the Secretary of State be instructed to send a properly enrolled copy of this resolution to his wife, Ella Erickson, and his daughters, Helen and Della, at Bismarck, North Dakota.

Filed February 25, 1947.

Senate Memorial Resolution "A"—(Torno)

DAVID HENRY HAMILTON

WHEREAS, David Henry Hamilton was called to his eternal rest on November 25, 1945, at Bismarck, North Dakota, and

WHEREAS, David Henry Hamilton was one of the pioneers of North Dakota, although born in Hemlock, Indiana, on November 13, 1868, and came to North Dakota in 1900 and located on a homestead in Pratt Township of McHenry County, and

WHEREAS, he leaves to mourn him not only his wife and family, but the community in which he lived and the whole State of North Dakota to which he gave abundant public service, and

WHEREAS, he was elected Senator from the 34th Legislative District in 1914, and was thereafter reelected as State Senator for four terms, and

WHEREAS, during his tenure as a public servant, he was devoted to his duties, to the principles of our representative form of government as he understood them, and

WHEREAS, he was a fearless and earnest fighter for the causes in which he believed;

NOW, THEREFORE, BE IT RESOLVED that the Senate of the State of North Dakota, of which he was so long a member, expresses its appreciation for the valuable service rendered by this distinguished public servant and that it expresses its keen sorrow at his passing, and,

BE IT FURTHER RESOLVED that the Senate of the State of North Dakota extend to his wife and family its sincere sympathy, and that this resolution be printed in the Senate Journal and four enrolled copies of the same be sent to his son, Cleo Hamilton, Bismarck, North Dakota, his wife, Bertine Hamilton and sons and daughter.

Filed February 25, 1947.

Senate Memorial Resolution "E"—(Wahlund)

W. S. HANDLEY

WHEREAS, God saw fit in his infinite wisdom to call from our midst W. S. Handley a highly respected member of this body, February 7, 1947;

WHEREAS, he was born at Lisbon, Iowa, August 16, 1869, and came to North Dakota in 1918. He was president of the Farmers Union Oil Company of Forman for a number of years and was elder and superintendent of Sunday school of the Presbyterian Church for fifty years serving for a while in Iowa and later at Stirum, North Dakota;

WHEREAS, he served as a highly respected member of the Senate of the Thirteenth legislative district for the years 1933 to 1935;

WHEREAS, during his years of office he served his state and country with distinction, unselfishness and with a devotion to principles of honesty and justice;

WHEREAS, his passing is a severe loss to his community and to his state and a cause for personal grief to his former associates in the Senate of the State of North Dakota;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota of the Thirtieth Legislative Assembly that we express our sincere sympathy to the family of our former colleague and to the members of his community; and

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a properly enrolled copy thereof be sent by the Secretary of State to his wife at Jamestown, North Dakota, and to his children, Roy L. Handley, of Fox Lake, Minnesota, and Mrs. L. W. Farran, Jamestown, North Dakota.

Filed February 25, 1947.

Senate Memorial Resolution "H"—(Wolf)

J. M. HANLEY

WHEREAS, God in His wisdom saw fit to summon to his eternal reward, J. M. Hanley, a highly respected member of this body on January 31, 1947;

WHEREAS, he was born in Winona, Minnesota, on January 8, 1877, and educated at Kasson, Minnesota, high school and at Carleton College, Minnesota. He was admitted to the bar at the age of 21 and had practiced in Mandan since 1902;

WHEREAS, his great interest was in military affairs, having served in the Spanish American War in 1898. He organized Company F in Mandan in 1906 and was commissioned a captain which rank he held until 1913. In 1916 he was again called into federal service due to the Mexican Border incident. In 1917 he was called into military service due to World War I and served conspicuously in France and was mustered out again in 1919. He offered his services in World War II, but was never called;

WHEREAS, he distinguished himself in the practice and administration of law having served as state's attorney of Morton county in 1910 and 1911 and was the first district judge to hold a term of court in Sioux and Grant counties. In 1926 he ran for governor of North Dakota;

WHEREAS, he represented the Thirtieth legislative district in the House during the 1911 session and served as

speaker during that session and served in the Senate during the 1933 session;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota that we express our appreciation for his services to the state and his community, and that we express the sorrow which we feel because of his passing;

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a properly enrolled copy be forwarded by the Secretary of State to his wife at Mandan, North Dakota, and to his children, Mrs. Emmet McCormick, Great Falls, Montana, Mrs. Juel Lium, Minot, North Dakota, Mrs. Robert Paris, Minneapolis, Minnesota, and James M. Hanley, Jr., Bismarck, North Dakota.

Filed February 25, 1947.

Senate Memorial Resolution "K"—(Stucke, Brunsdale and Streibel)

WILLIAM A. THATCHER

WHEREAS, William A. Thatcher was called to his eternal reward on February 21, 1947, while serving in the Senate of the Thirtieth Legislative Assembly;

WHEREAS, he was born in Ottawa county, Michigan, June 13, 1874, and came to North Dakota in 1902. He served as sheriff of Bottineau county from 1931 to 1935;

WHEREAS, he was a public spirited servant, having served the Twenty-eighth legislative district in the House of Representatives during the 1925, 1927, and 1929 sessions and the Senate during the 1935, 1937, 1939, 1941, 1943 and 1945 legislative sessions. He was reelected to serve the 1947 and 1949 sessions but upon his arrival in Bismarck, prior to the opening day of the Thirtieth Legislative Assembly, he was admitted to the hospital and was unable to attend any sessions;

WHEREAS, he was an able legislator, a highly respected citizen of his community, a loyal friend, and a great believer in good government;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota that we express our heartfelt appreciation for the valuable services rendered by our distinguished citizen and that we express our sincere sympathy to his wife and to the members of his community;

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a properly enrolled copy be forwarded by the Secretary of State to his wife at Bottineau, North Dakota.

Filed February 25, 1947.

Senate Memorial Resolution "I"—(Schrock)

OTTO TOPP

WHEREAS, God in his infinite wisdom has seen fit to summon to his eternal rest His servant and a respected member of this body, Otto Topp, who passed to his reward on August 12, 1945;

WHEREAS, he was born in Hubbard, Iowa, March 9, 1882, and educated in public schools and business training at Ellsworth College in Iowa. Coming to North Dakota he owned and operated a general merchandise business at Grace City, North Dakota, a number of years and was interested in farming and stock raising;

WHEREAS, he served as a highly respected member of the Senate of the Thirty-second legislative district during the 1935, 1937, 1939, and 1941 sessions;

WHEREAS, his passing is a severe loss to his community and to his state and a cause for personal grief to his former associates in the Senate;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Thirtieth Legislative Assembly of the State of North Dakota that we express our sincere sympathy to the family of our former colleague and to the members of his community; and

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a copy thereof be mailed by the Secretary of State to his wife at Grace City, North Dakota, and that three additional copies be mailed to Mrs. Topp to be forwarded to the children at their respective addresses.

Filed February 26, 1947.

Senate Memorial Resolution "D"—(Brant)

JOHN H. WORST

WHEREAS, John H. Worst, one of North Dakota's most distinguished citizens, who in the early days of statehood resided in Emmons county and who was called to his eternal reward on September 25, 1945;

WHEREAS, he was born in Ashland county in the state of Ohio on December 23, 1850, and during his early manhood he lived on the farm until he was sixteen years of age when he entered Smithville Academy, Ohio, for several terms until he was prepared to teach school. He also attended Salem College, Indiana, one year and finally entered Ashland University, Ohio. In 1889 this institution conferred upon him the degree of L.L.D. In 1870 he engaged in the newspaper business editing the Fairfield County Republican at Lancaster, Ohio. He was a delegate to the Ohio state convention, which nominated Hayes for governor for the third time and he took an active part in that campaign;

WHEREAS, in 1883, he came to Dakota Territory and took a homestead forty miles southeast of Bismarck near Williamsport, Emmons county, where he had a farm and engaged extensively in the raising of sheep. In the fall of 1883, at the organization of Emmons county, the county commissioners appointed him county superintendent of schools. He was continuously reelected to this office until 1889 when he resigned to take the office of state senator. At the expiration of his term, he was reelected. He served during the first, second, and third sessions of the legislative assembly;

WHEREAS, in 1894 he was elected Lieutenant Governor and was the presiding officer during the session of 1895. During that year he was appointed president of the North Dakota Agricultural College and Director of the Experiment Station, for the school year beginning July 1, 1895. He held this position until March 1, 1916. After leaving the Agricultural College he served one year as managing editor of the Daily New Rockford State Center. He then made his home with his children in California and Montana;

WHEREAS, the crowning work of Mr. Worst's life was in connection with the Agricultural College, which he built up from a small and struggling beginning to an institution that was recognized as having a foremost place among the agricultural colleges of the country. During his administration, a large number of buildings were erected and the faculty grew from less than twenty to over sixty and the attendance from

a mere handful to twelve hundred. He was especially interested in the problems of the farmer and through his activity laid the foundation for many reforms, both in the field of production and marketing. His impression on the state is seen and felt in many directions and it is a conservative statement that very few men have exerted more influence both in a material and social way, than did John H. Worst;

WHEREAS, Mr. Worst was appointed Commissioner of Immigration for the biennial period beginning August 7, 1919. His plan was to induce immigration in order to bring millions of acres of state unimproved lands under cultivation and thus provide homes for landless families. His purpose was to advertise North Dakota opportunities through the eastern press and by means of field agents explain personally the advantages this commonwealth offered to emigrants. He aimed also to suggest means by which families with small capital might become land owners and thus reduce tenantry to the minimum;

WHEREAS, Mr. Worst was public spirited, generous, honest and faithful to every trust imposed upon him;

WHEREAS, he served the people of this state with the sole purpose of making a better state and bringing more happiness and comfort to the people of North Dakota;

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota that we express our heartfelt appreciation for the many services rendered this state by the late John H. Worst, whose memory will be long cherished by the people of North Dakota;

BE IT FURTHER RESOLVED that this memorial resolution be printed in the Journal of the Senate and a copy of such resolution be sent to the surviving members of his family by the Secretary of State.

Filed February 26, 1947.

Senate Joint Memorial Resolution "J"—(Flatt, Olson of Barnes and Nordhougen)

TRIBUTE TO MEMBERS DECEASED OF NORTH DAKOTA SENATE

WHEREAS, the following members of the North Dakota Senate:

Senator J. J. Adams of the Thirty-fifth legislative district, served from 1941 to 1943;

Senator Horace F. Arnold of the Fifth legislative district, served from 1891 to 1899;

Senator Oscar E. Erickson of the Thirty-fifth legislative district, served from 1933 to 1935;

Senator Otto W. Topp of the Thirty-second legislative district, served from 1935 to 1941;

Senator John H. Worst of the Twenty-sixth legislative district, served from 1889 to 1893;

Senator D. H. Hamilton of the Thirty-fourth legislative district, served from 1915 to 1933;

Senator Theodore Kaldor of the Eighth legislative district, served from 1923 to 1925;

Senator J. M. Hanley of the Thirtieth legislative district, served from 1933 to 1935;

Senator Ira A. Barnes of the Twenty-fifth legislative district, served from 1913 to 1915;

Senator W. S. Handley of the Thirteenth legislative district, served from 1933 to 1935; and

Senator William A. Thatcher of the Twenty-eighth legislative district, served from 1935 to 1947;

These men have gone to their final reward since the Twenty-Ninth Legislative Assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring therein, that we hereby extend to the families and friends of the deceased, our heartfelt sympathy. We, too, are deeply moved by the loss of these able, conscientious, and industrious men. The valuable contributions they made as community leaders and legislators will always be a gentle reminder of their abiding faith in humanity, loyalty and love for things sublime. We are told that the good men do, will follow after them. If this is true, then we can rest assured in the knowledge that, with them, all is well;

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the Senate and that a copy of this resolution be filed with the Secretary of State.

Filed February 26, 1947.

Joint Memorial Resolution
(Introduced by Representatives Dalzell and Bubel)

LYNN J. FRAZIER

Sunday morning the sad news reached Bismarck that one of North Dakota's most honored citizens, Lynn J. Frazier, had laid down his labors on this earth and passed to his eternal reward.

Lynn J. Frazier was elected Governor of North Dakota three times in succession. He also served our state for three terms (eighteen consecutive years) as United States Senator. Such honor upon honor comes to but few people in a life time.

THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of North Dakota, the Senate concurring therein, that we express our heartfelt appreciation of these long years of public service to the State of North Dakota by our distinguished citizen; and that we express our keen sorrow at his passing; and

BE IT FURTHER RESOLVED, that the Speaker of the House confer with the Governor and the Lieutenant Governor and that they appoint a committee of Senator Frazier's friends from the members of the Thirtieth Legislative Assembly to represent the State of North Dakota at his funeral; and

BE IT FURTHER RESOLVED, that this resolution be entered in the Journal of the House and of the Senate and that a properly executed copy thereof be sent to his wife, Catherine Frazier, Hoople, North Dakota; and to his children, Vernon Frazier, College Park, Maryland; Willis T. Frazier, Silver Springs, Maryland; Mrs. Merson Church, Tenafly, New Jersey; Mrs. Stanley Gaines, Arlington, Virginia, and Mrs. Vernon Derrickson, Washington, D. C.

House Joint Memorial Resolution No. 5
(Committee on Joint Memorial Resolutions)

**TRIBUTE TO MEMBERS DECEASED OF NORTH DAKOTA HOUSE OF
REPRESENTATIVES**

WHEREAS, The following members of the North Dakota House of Representatives have gone to their final reward

since the Twenty-ninth Legislative Assembly: Representative W. G. Owens of the 45th legislative district, served 1913; Representative D. Lemieux of the 19th legislative district, served 1905; Representative J. A. Dahl of the 8th legislative district, served 1935; Representative Henry A. Armstrong of the 26th legislative district, served 1895; Representative Fred Ferris of the 17th legislative district, served 1925-27; Representative C. P. Bolkan of the Griggs County legislative district, served 1889; Representative J. J. Adam of the 35th legislative district, served 1935-39; and in the Senate 1941-43; Representative Oscar E. Erickson of the 26th legislative district, served 1923-31; Representative Samuel L. Dahl of the 17th legislative district, served 1903-05; Representative Oscar Hagen of the 41st legislative district, served 1937-39; Representative J. Dexter Pierce of the 5th legislative district, served 1893; Representative Hugh McDowell of the 18th legislative district, served 1921-31; Representative J. J. Kjos of the 37th legislative district, served 1921; Representative W. J. Flanagan of the 23rd legislative district, served 1931-33; Representative J. J. Doyle of the 36th legislative district, served 1909-13; Representative George Rose of the 25th legislative district, served 1901-07; Representative Laura B. Sanderson of the 24th legislative district, served 1925; Representative George Elhard of the 36th legislative district, served 1907; Representative D. E. Shipley of the 31st legislative district, served 1921; Representative Robert Wadeson of the 11th legislative district, served 1917-19; Representative C. B. Hammond of the 18th legislative district, served 1919; Representative Malachi Gainor of the 13th legislative district, served 1939-45; Representative L. S. Langedahl of the 26th legislative district, served 1915; Representative N. H. Rinde of the 3rd legislative district, served 1895; Representative Earl Symington of the 1st legislative district, served 1933-45; Representative Aaron Levin of the 3rd legislative district, served 1921 to 1931; Representative J. M. Thompson of the 27th legislative district, served 1925-39; Representative John Ehr of the 29th legislative district, served 1923 and 1927; Representative P. H. Butler of the 14th legislative district, served 1913; Representative John McGill of the 14th legislative district, served 1937; Representative C. F. Carlson of the 16th legislative district, served 1927; Representative James M. Hanley of the 30th legislative district, served 1909-11; Representative Robert Rait of the 40th legislative district, served 1937-39; Representative Benjamin J. Fedje of the 45th legislative district, served 1923, 1927, 1933-35; Representative J. T. Tweten of the 19th legislative district, served 1923-27; Representative Lars Ellingson of the 21st legislative district, served 1925-27; Representative Lars A. Ueland of the 24th legislative district, served 1889, 1893, 1907; Representative Henry Hend-

rickson of the 34th legislative district, served 1929-33; Representative J. C. Miller of the 28th legislative district, served 1917-23 and 1937; Representative Frank J. Haines of the 44th legislative district, served 1915-17 and 1935-37; Representative Theodore Kaldor of the 8th legislative district, served 1923-25; Representative Horace F. Arnold of the 5th legislative district, served 1891-99; Representative Ole H. Opland of the 49th legislative district, served 1919; Representative John L. Harvey of the 22nd legislative district, served 1903; Representative N. W. Hawkinson of the 22nd legislative district, served 1911-13; Representative Gustave Strutz of the 25th legislative district, served 1901; Representative Fred J. Schurr of the 28th legislative district, served 1921-1933; Representative J. H. Henrikson, served 1927 and 1931; and John A. Johnson, Butte, North Dakota, of the 46th district, served 1909; and Paul Sand, Pierce County, served 1933-1939;

WHEREAS, These public servants contributed a great deal to the welfare of their respective communities and State; born some in this country and some abroad, they all gave their utmost in a common cause for the betterment and preservation of the American way of life;

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives of the Thirtieth Legislative Assembly of the State of North Dakota that at this time we pause in our deliberations to pay tribute to their revered memory, and in behalf of the people of North Dakota to show our deep gratitude for their devoted service in this State; and 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 record, this token of respect and sympathy by their successors in trust be printed in the Journal of the House, and let duly enrolled copies be presented to the surviving families of these deceased Representatives.

Filed March 10, 1947.

House Concurrent Resolution "P"**(Sellens, Dawson, Lillehaugen, Ohnstad, Saller, Brickner)****DEVELOPMENT OF MISSOURI RIVER AND ITS TRIBUTARIES**

Expressing the support of the people of North Dakota for the development of the Missouri river and its tributaries, and petitioning Congress to continue its support.

WHEREAS, The several departments of the United States government have prepared and adopted a plan for the development of the physical resources of the Missouri river basin; and

WHEREAS, That plan was approved and authorized for construction by the Congress of the United States in the flood control act of 1944; and

WHEREAS, Appropriations for such development have already been made by the Congress of the United States and such works are now under way; and

WHEREAS, Successful completion of said plan will bring untold benefits to the people of the Missouri basin and to the people of the United States as a whole by increasing industrial, agricultural and economic opportunity and by stabilizing the business, industry and agriculture now existent in the Missouri basin;

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives of the State of North Dakota, the Senate concurring, that we hereby express the support of the people of North Dakota for this development of the Missouri river and its tributaries and that we respectfully petition the Congress of the United States to continue its support of this development and to make the necessary appropriation to carry on this work without delay, and that the Secretary of State be authorized and directed to transmit a certified copy of this resolution to Senators Young and Langer and to Congressmen Robertson and Lemke at Washington, D. C.

Filed March 6, 1947.

Senate Concurrent Resolution No. 18—(Drew)

NATIONAL GUARD FIELD TRAINING

A Concurrent Resolution urging War Department to conduct field training of North Dakota National Guard at Camp Grafton, Devils Lake, North Dakota.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the North Dakota National Guard is now in the process of organization and some, if not all, units will be ready for field training this summer; and

WHEREAS, the War Department has so far designated a point outside of the State of North Dakota as the official training area for National Guard units of this state; and

WHEREAS, it is the studied judgment of the Governor and of the Adjutant General of the state that better results will be obtained from training within the state for the following reasons:

(a) The dates for the field training can be set so as to cause the least possible interference with agricultural pursuits, without regard to the needs and desires of other states concerned in a large concentration of troops.

(b) The time consumed in travel to a distant training area will cut heavily into actual training time.

(c) The difference in transportation costs can be more profitably used for other training aids.

(d) Better camp facilities and more suitable maneuver grounds are available at Camp Grafton in comparison with the other proposed training area.

(e) In the next few years the training will not have advanced sufficiently to warrant training with large bodies of troops.

NOW, THEREFORE, BE IT RESOLVED, that we urge the Secretary of War to take such steps as are necessary to change the officially designated field training area for the North Dakota National Guard to Camp Gilbert C. Grafton, Devils Lake, North Dakota, to the end that North Dakota troops will train therein constantly, except at periodic intervals, when in the interests of national defense it becomes necessary to hold Army maneuvers.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to send copies of this resolution to the Secretary of War and the Chief of the National Guard Bureau, Washington, D. C.

Filed March 10, 1947.

House Resolution "U"—(Erickson, Culver)

RECLASSIFICATION OF PRIVATELY OWNED TRUCKS USED FOR
TRANSPORTATION OF AGRICULTURAL PRODUCTS

A resolution relating to the re-classification of privately owned trucks used for transporting agricultural products, and requiring the Motor Vehicle Registrar to notify such truck owners as to such re-classification and for recovery of the difference in license fees in case of wrongful classification.

Be It Resolved By the House of Representatives of the State of North Dakota: That

WHEREAS, it has been brought to the attention of the Members of the House of Representatives of the Thirtieth Legislative Assembly, and more particularly to those engaged in the pursuit of agriculture, that a meritorious ground for complaint prevails among the farmers of the State of North Dakota; and

WHEREAS, such complaints by said farmers of North Dakota arises from the re-classification by the Motor Vehicle Registrar of North Dakota with regard to the licensing of trucks; and

WHEREAS, as a result of such re-classification, many farmers paid excessive fees for truck licenses, having been re-classified by the Motor Vehicle Registrar in Schedule A, relating to commercial trucks, in place of Schedule B, relating to privately owned trucks used for transporting agricultural products; and

WHEREAS, it is the belief of the members of this body, that immediate steps be taken to correct the existing situation,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that the Motor Vehicle Registrar of the State of North Dakota, after correcting the mistakes which are brought to his attention, is hereby instructed to immediately notify by mail, all truck owners classified in Schedule B prior to such re-classification, where there still remains

any doubt of proper classification; that if such truck owner has paid a higher license fee than heretofore, such truck owner may forthwith notify the Motor Vehicle Registrar and apply for re-classification, and that if such truck owner is wrongfully classified, he may recover the difference in license fee on such a showing.

Filed March 10, 1947.

Senate Concurrent Resolution No. 26—(Wog and Raschko)

CREATION OF THEODORE ROOSEVELT MEMORIAL PARK

A concurrent resolution memorializing the Congress of the United States to create a Roosevelt Memorial Park in the Bad Lands area of the State of North Dakota.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the Honorable William Lemke of the Eightieth Congress of the United States has introduced in the Congress of the United States H. R. 731, for the purpose of creating and establishing a Theodore Roosevelt National Park and to reconstruct the log cabin and other buildings used by Theodore Roosevelt during his residence in the State of North Dakota on the original ranch owned and operated by him and to erect a suitable memorial to the said Theodore Roosevelt in the village of Medora, Billings county, state of North Dakota; and

WHEREAS, the said land under the bill which is to be used as a park is now owned by the federal government or its subdivisions and will not take additional land out of production; and

WHEREAS, the natural beauty of the North Dakota Bad Lands is recognized throughout all of the United States as well as in the State of North Dakota,

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring therein, that the legislative assembly of the State of North Dakota does hereby memorialize and petition the Congress of the United States to enact legislation favorable to H. R. 731 establishing and creating the said Roosevelt Memorial Park in the Bad Lands of North Dakota,

BE IT FURTHER RESOLVED that certified copies of this resolution properly authenticated be sent forthwith by the

Secretary of State to the presiding officer of each House of Congress and to each of the United States Representatives and Senators from the State of North Dakota and to the Chairman of the House Committee of Public Lands and to the President of these United States of America.

Filed March 10, 1947.

House Resolution No. 4—(Wolf, Schuler, Fitch)

**CONGRATULATIONS UPON MARRIAGE OF REPRESENTATIVE AND
MRS. SAMUEL RUDOLF**

Expressing congratulations and best wishes to Representative Rudolf and his bride, Mrs. Samuel Rudolf.

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 of the Thirtieth Legislative Assembly of North Dakota, that the Forty-third day of the Legislative Assembly should be commemorated and proper acknowledgment made with regard to an important event occurring on said Forty-third Day; and

WHEREAS, It has been further brought to the attention of said members of the House of Representatives that such event to be so commemorated vitally affects the future happiness and welfare of one of its members, Samuel Rudolf, Representative of the Thirty-sixth District, Counties of McIntosh and Logan; and

WHEREAS, On said Forty-third Legislative Day, being the 18th day of February, in the year 1947, Representative Samuel Rudolf was united in the holy bonds of matrimony to Miss Ernestine Ketterling, at St. Andrews Lutheran Church at Zeeland, North Dakota; and

WHEREAS, The members of the House of Representatives are aware of the importance of such event and desire to recognize, commemorate and publicly acknowledge the same, and duly and properly congratulate its said Member 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 congratulations to Representative Samuel

Rudolf, our best wishes to his wife, 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.

Filed February 28, 1947.

House Concurrent Resolution "C"—(Acheson, Bjella, Erickson, Leet, Esterby)

RURAL ELECTRIFICATION DEVELOPMENT THROUGHOUT U. S.

Memorializing Congress of the United States to continue and expand the development of rural electrification throughout the United States.

WHEREAS, electricity has become an absolute necessity, not only for urban centers, but for the farm population of the United States, and

WHEREAS, the use of electricity on a farm, for its effective and efficient management, is now and has been for some time a necessary source of power as well as convenience, and

WHEREAS, the rural population is entitled to the same conveniences and necessities as the urban population of the United States, and

WHEREAS, rural electrification has been made possible largely through the rural electrification administration, which has proven itself and which has electrified thousands of farms throughout the United States that otherwise would not have been able to procure electrical power, and

WHEREAS, there seems to be widespread publicity indicating some misunderstanding and perhaps hostility toward the rural electrification administration, and

WHEREAS, the farmers of the United States deem rural electrification and its continued expansion one of the essential requirements of the modern age,

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 continue the expansion and development of rural electrification in the United States, and that all necessary funds for use of rural electrification, and the building of rural electric lines and the organization of rural electrification cooperatives be amply provided, to the end that eventually all farm families be enabled to procure the service of electric power for the

efficient management of their farms as well as their convenience, and

BE IT FURTHER RESOLVED, that the House of Representatives of the State of North Dakota, the Senate concurring therein, respectfully urge and request the Congress of the United States to continue to give its wholehearted support to rural electrification through helpful legislation and continued adequate appropriations; and that the Congress of the United States carefully study the needs of rural electrification, and that no attempt be made to stifle, stymie, or prevent the extension and expansion of rural electrification in the United States.

Filed February 28, 1947.

House Concurrent Resolution "BB"—(A. C. Johnson)

ACCEPTANCE BY STATE OF NORTH DAKOTA OF REAL ESTATE
TRANSFERRED BY WAHPETON CHAMBER OF COMMERCE FOR

STATE SCHOOL OF SCIENCE PURPOSES

*Be It Resolved By the House of Representatives of the State
of North Dakota, the Senate Concurring Therein:*

WHEREAS, the Chamber of Commerce of the city of Wahpeton, North Dakota is the owner of the following described real property, to-wit: The South Thirty (30) rods of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Five (5), Township One Hundred Thirty-two (132) Range Forty-seven (47), except the west Twenty-seven (27) rods thereof; and the North Twenty (20) rods of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Five (5), Township One Hundred Thirty-two (132), Range Forty-seven (47), except the West Twenty-seven (27) rods thereof; highway right-of-way is also excepted. And which property is also described as follows: Commencing at a point 27 rods east of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Five (5), Township One Hundred Thirty-two (132), Range Forty-seven (47), thence South 20 rods, thence east 53 rods, thence North 50 rods, thence West 53 rods, thence South 20 rods, to the point of beginning, except highway right-of-way. Said premises amounting to 15 acres more or less, and

WHEREAS, the said Chamber of Commerce of the city of Wahpeton, North Dakota, is interested in promoting and

assisting in the growth and development of the state school of science situated at Wahpeton, North Dakota, and has authorized its board of directors to transfer to the State of North Dakota for the use and benefit of the state school of science at Wahpeton, North Dakota, the said described real property, and

WHEREAS, the said described real property adjoins the campus of the said state school of science, and it appears that said school of science needs additional real property for its expansion and growth,

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives of the State of North Dakota, the Senate concurring therein, that the State of North Dakota shall accept from the Chamber of Commerce of the City of Wahpeton, North Dakota, the said real property hereinbefore described and to accept a deed and transfer thereof for the use and benefit of the state school of science at Wahpeton, North Dakota, provided, however, that such acceptance by the state of North Dakota shall be conditional upon the opinion of the attorney general that the title to said property is good and merchantable and that the same is free and clear of encumbrance.

Filed March 10, 1947.

House Concurrent Resolution "AA"—(Stormon)

APPRECIATION AND THANKS TO WAHPETON CHAMBER
OF COMMERCE

A concurrent resolution expressing appreciation and thanks to the Chamber of Commerce at Wahpeton, North Dakota, for its transfer of land to the State School of Science.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the Wahpeton Chamber of Commerce, by a resolution duly adopted by its board of directors on January 9, 1947, has transferred real estate to the State School of Science of Wahpeton; and

WHEREAS, the State School of Science has been in great need of additional real estate adjoining its campus; and

WHEREAS, the transfer of real estate will constitute a tremendous saving to the people of North Dakota,

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring therein, that we hereby express our appreciation and thanks to the Chamber of Commerce of the city of Wahpeton for its generous transfer of such real estate to the State School of Science of Wahpeton, North Dakota.

BE IT FURTHER RESOLVED, that a duly enrolled copy of such resolution be forwarded by the Secretary of State to the Chamber of Commerce at Wahpeton, North Dakota.

Filed March 10, 1947.

Senate Resolution "E"—(Stucke, Streibel and Brunsdale)

LEGISLATIVE PAY HONORABLE WILLIAM A. THATCHER, DECEASED

WHEREAS, the Honorable William A. Thatcher, a member of this body from the Twenty-eighth legislative district, on February 21, 1947, passed to the Great Beyond:

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota that he be shown by the records of the Senate as excused for this session and his name be omitted in reading the roll call; and that his name be continued upon the pay roll as a member of this body; that the Secretary of the Senate is hereby authorized and directed to sign the legislative pay roll and the legislative expense roll for and in the name of said deceased member and that warrants to be issued in payment of mileage and per diem and legislative expense of said William A. Thatcher be made out in the name of his widow, Mrs. Minnie Thatcher; and that the same be by the Senate voucher clerk forwarded to her at Bottineau, North Dakota.

Filed February 24, 1947.

Senate Concurrent Resolution No. 24—(Stucke, Streibel and Brunsdale)

**FUNERAL EXPENSES HONORABLE WILLIAM A. THATCHER,
DECEASED**

WHEREAS, the Honorable William A. Thatcher, a member of this body from the Twenty-eighth legislative district, passed to the Great Beyond on February 21, 1947;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives con-

curing therein, that we hereby authorize the sum of four hundred and ninety dollars to be used for the purpose of paying the funeral expenses of Senator William A. Thatcher, including the transportation charges of the remains to Bottineau, North Dakota. Said sum shall be chargeable and payable as legislative expense.

Filed March 10, 1947.

House Concurrent Resolution "Y"—(Mollet, Maher and Pflieger)

**REMOVAL U. S. RESTRICTIONS ON LAND AND INTERESTS
OF INDIAN VETERANS**

A concurrent resolution urging the enactment of H. R. 1113 of the Eightieth Congress authorizing the removal of restrictions by the United States government on land and interests of Indian veterans.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the House of Representatives of the Eightieth Congress of the United States has before it H.R. 1113 providing that the Secretary of the Interior, upon an application by any Indian who shall have served honorably in the armed forces of the United States in time of war, may remove all restrictions upon the lands, interests in lands, funds, or other property of such Indian, and if such lands or interests are held by the United States in trust for such Indian, to issue an unrestricted patent in fee therefor;

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring therein, that we recommend the passage of H.R. 1113 of the Eightieth Congress of the United States as soon as possible and substantially in the form introduced;

BE IT FURTHER RESOLVED that the Secretary of State is directed to transmit copies of this resolution to the President of the Senate and Speaker of the House of Representatives of the United States Congress, to the chairman of the Indian Affairs Committee of the House of Representatives of the United States Congress, and to North Dakota's delegation in the House of Representatives and Senate of the United States.

Filed March 10, 1947.

House Concurrent Resolution "N"—(Brickner by request)

**HOMESTEAD ENTRY N. D. SUBMARGINAL LANDS FOR VETERANS
REHABILITATION**

A Concurrent Resolution memorializing the Congress of the United States to open for homestead entry the sub-marginal lands in the State of North Dakota for the benefit and rehabilitation of veterans of World War II.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the legislative assembly of the State of North Dakota does hereby memorialize and petition the Congress of the United States to enact legislation opening for homestead entry for the purpose of rehabilitation of veterans of World War II, all submarginal lands in the State of North Dakota.

That certified copies of this resolution properly authenticated be sent 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.

Filed March 10, 1947.

Senate Concurrent Resolution No. 23—(Bridston, Rue and Flatt)

**CONSTRUCTION PSYCHOPATHIC HOSPITAL FOR VETERANS IN
NORTH DAKOTA**

A Concurrent Resolution memorializing Congress to construct a psychopathic hospital for veterans in the State of North Dakota and until such time as such hospital is constructed to pay for the transportation charges for the commitment of psychopathic veterans to governmental institutions in adjoining states.

Be It Resolved By the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the State of North Dakota is one of the many states that does not have a veterans hospital for psychopathic patients; and

WHEREAS, due to this factor, mental patients have had to be transported to veterans hospitals in adjoining states for commitment; and

WHEREAS, the veterans administration due to existing law is unable and has therefore refused to pay for the travel expenses involved in the commitment of such veteran to a mental institution in an adjoining state; and

WHEREAS, the counties have been required to assume the transportation costs of such veterans to other states even though the sheriff has had no authority to collect expenses for out of state travel;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Thirtieth Legislative Assembly of the State of North Dakota respectfully memorialize and petition Congress and the veterans administration that in the future hospital building program of the veterans administration that a site for a psychopathic hospital be selected in North Dakota and that such a hospital be constructed and maintained in the state for the benefit of the veterans of this state and their families;

BE IT FURTHER RESOLVED, that until such time as such a hospital is constructed and in operation in this state, that we petition Congress to amend the laws pertaining to the veterans administration to provide that the veterans administration will assume and be held responsible for the transportation of psychopathic veterans to governmental institutions in adjoining states.

BE IT FURTHER RESOLVED, that the Secretary of State is hereby directed to send copies of this resolution to North Dakota's representatives and senators in Congress, United States Veterans Bureau, Veterans Service Commissioner, and to the Greater North Dakota Association.

Filed March 10, 1947.

Senate Resolution "D"—(Flatt)

**CONGRATULATIONS 50TH WEDDING ANNIVERSARY SENATOR
AND MRS. WILLIAM WATT**

A resolution extending congratulations to Senator and Mrs. William Watt on their fiftieth wedding anniversary.

Be It Resolved By the Senate of the State of North Dakota:

WHEREAS, it has come to the attention of this body that the Honorable William Watt and his wife will celebrate their fiftieth wedding anniversary on the 18th day of February, 1947, and

WHEREAS, Senator Watt served as a member of the House of Representatives of the State of North Dakota during the years 1913, 1915, 1921, 1923, 1925, and 1927, and as a member of this body during the years 1929, 1931, 1933, 1935, 1937, 1941, and 1943, and

WHEREAS, during those long years of service to his state in both branches of the legislature he earned and enjoyed the sincere respect and the love of his fellow members, who recognized his sterling character, and untiring desire to better living conditions, and economic problems of the state,

NOW, THEREFORE BE IT RESOLVED, that the members of this body on this happy occasion extend to Senator and Mrs. Watt their congratulations, and sincere wishes for many more years of good health and happiness together,

BE IT FURTHER RESOLVED than an enrolled copy of this resolution be forwarded by the Secretary of the Senate to Senator and Mrs. Watt.

Filed February 17, 1947.

House-Concurrent Resolution "D"

(Nelson, Bagge, Lillehaugen, McInnis, Levin, Severson, O'Connor, Dalzell, Esterby, Luick, Locken, Power, Bubel, Benno, Moerke and Mollet)

PAYMENT OF 1945 WHEAT BONUS

A Concurrent Resolution Memorializing the Congress of the United States to Provide Funds for the Payment of a 30 cent Bonus on all Wheat Produced in 1945, on which a 30 cent Bonus has not been paid.

Be It Resolved By the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS the United States Government paid a bonus of 30 cents per bushel on wheat marketed between April 19, 1946 and May 25, 1946, on so-called famine relief wheat, and

WHEREAS, the payment of this bonus was unfair and unjust to all those farmers who had marketed their wheat prior to the declaration of the bonus, in that:

1. Government news releases and reports issued during the fall of 1945 and the winter of 1946 indicated that the effective ceiling prices on wheat would be maintained and that there would be no benefit to the farmer in holding his wheat.

2. The farmers were repeatedly urged by the U. S. Government, its agencies and representatives, to market their wheat so as to make it available for starving foreign peoples.
3. The price ceilings, maintained during the time that the farmers were so urged to market their wheat, were below parity as defined by Congress.
4. The bonus payments on wheat were made to those farmers who needed the bonus the least and those farmers who had to sell their wheat to live and maintain themselves and their families and pay debts received no bonus.
5. The farmers who sold their wheat prior to the bonus either because they had to or were induced to do so by propaganda, must help pay for the cost of the 30 cent bonuses already paid through taxation.
6. Large subsidy payments were made to industry during the war in the form of cost plus contracts, and contracts based on non-competitive costs of production.
7. Industry in this period of rising prices obtained bonuses by the simple method of holding their products off the market and creating shortages.
8. Retroactive bonuses were granted to labor.
9. What is in substance retroactive bonuses was granted to industry by the Ruml plan of income tax payments and the Tax Adjustment Act of 1945.

NOW THEREFORE, BE IT RESOLVED, that we the members of the Thirtieth Legislative Assembly of the State of North Dakota respectfully memorialize Congress to provide federal funds for the payment of a 30 cent bonus on all wheat produced during the year of 1945, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Secretary of Agriculture of the United States, to the United States Senate and United States House of Representatives and to each of the Senators and Representatives of the State of North Dakota in the Congress of the United States.

Filed February 28, 1947.

Index to Senate Bills

No.	Chapter	Page
1	191	268
2	108	123
3	109	124
4	328	529
6	247	380
8	3	8
9	126	146
10	231	362
12	127	147
13	112	127
14	278	439
15	179	245
16	124	141
17	307	487
19	368	585
21	311	491
23	210	298
25	224	348
26	102	119
31	5	10
32	4	9
34	169	219
35	170	222
37	154	189
39	299	473
40	1	1
43	268	424
44	267	422
45	269	426
46	58	67
47	223	347
48	225	350
50	211	300
52	347	564
54	16	24
55	83	93
56	81	91
57	84	94

No.	Chapter	Page
58.....	99.....	115
59.....	88.....	104
60.....	97.....	112
61.....	93.....	108
62.....	95.....	111
63.....	67.....	78
64.....	27.....	43
65.....	61.....	70
66.....	47.....	58
67.....	42.....	53
68.....	36.....	49
69.....	31.....	46
70.....	80.....	90
71.....	92.....	107
72.....	100.....	116
73.....	64.....	74
74.....	63.....	73
75.....	40.....	52
76.....	35.....	48
78.....	356.....	573
79.....	361.....	579
90.....	355.....	572
93.....	277.....	438
95.....	362.....	580
98.....	360.....	578
102.....	141.....	162
103.....	165.....	214
104.....	166.....	215
105.....	167.....	216
107.....	6.....	11
108.....	175.....	241
109.....	96.....	112
110.....	91.....	107
111.....	85.....	96
112.....	331.....	534
113.....	325.....	527
114.....	52.....	63
117.....	176.....	242
118.....	130.....	150
119.....	128.....	148
120.....	335.....	538
121.....	57.....	67
122.....	336.....	539
123.....	65.....	75
125.....	111.....	126
126.....	312.....	492
127.....	101.....	118

No.	Chapter	Page
128.....	103.....	120
129.....	304.....	484
131.....	313.....	493
132.....	181.....	247
133.....	345.....	562
136.....	129.....	149
137.....	310.....	490
142.....	308.....	488
143.....	18.....	38
144.....	364.....	581
148.....	26.....	43
150.....	351.....	568
151.....	228.....	358
152.....	246.....	379
153.....	206.....	295
154.....	248.....	381
155.....	251.....	384
156.....	138.....	159
159.....	113.....	128
160.....	174.....	240
162.....	222.....	345
163.....	374.....	605
165.....	354.....	571
166.....	321.....	524
167.....	198.....	276
170.....	370.....	589
171.....	373.....	600
172.....	60.....	69
173.....	187.....	263
175.....	98.....	114
176.....	89.....	105
177.....	300.....	478
179.....	25.....	42
181.....	202.....	290
183.....	8.....	14
184.....	9.....	15
185.....	105.....	121
186.....	132.....	152
187.....	234.....	365
188.....	232.....	363
195.....	104.....	120
197.....	7.....	12
198.....	332.....	535
200.....	195.....	272
203.....	116.....	132
204.....	319.....	504
205.....	51.....	62

No.	Chapter	Page
207	287	453
208	233	364
209	349	565
210	289	455
211	182	248
212	29	44
213	155	195
215	239	368
217	303	483
222	204	292
224	186	262
225	134	154
226	371	591
228	131	151
229	197	275
231	372	593
232	171	229
234	115	130
241	192	269
242	322	525
243	350	567
244	144	165
247	162	205
248	164	212
249	163	211
250	145	166
251	213	302
252	236	366
253	229	360
256	330	531
258	219	325
259	255	387
260	235	365
261	337	540
265	125	144
268	280	440
269	375	607
272	201	289
274	207	296
275	209	297
277	284	449
278	226	353
279	221	344
282	114	129
283	189	265
284	Vetoed	625
286	156	196

Index to House Bills

No.	Chapter	Page
1	288	454
2	194	271
3	110	125
4	367	584
5	188	264
6	161	204
7	158	198
9	157	198
10	265	419
11	266	421
12	262	415
13	260	413
15	275	436
16	318	503
18	317	502
20	314	494
23	316	498
24	315	496
26	359	577
28	143	164
30	150	184
31	346	563
32	196	274
33	270	427
34	273	431
37	294	459
38	295	459
39	293	458
42	283	445
43	147	168
44	41	53
45	334	537
46	32	46
47	33	47
48	149	182
49	30	45
52	200	279
53	133	153

No.	Chapter	Page
54	87	97
55	54	64
56	68	78
57	55	65
58	62	71
59	38	50
60	19	38
61	39	51
62	37	50
63	74	84
64	28	44
65	71	81
66	86	97
67	90	106
68	94	110
69	22	40
70	17	37
71	15	23
72	53	63
73	69	79
74	46	57
75	21	40
76	75	85
78	66	75
80	34	48
81	79	89
82	59	68
83	48	59
84	49	60
85	76	86
86	43	54
87	70	80
88	50	61
89	14	22
90	56	66
91	45	56
92	230	361
93	2	7
94	106	121
95	107	122
96	72	82
97	245	378
98	216	319
99	302	482
100	215	318
103	352	569
105	342	545

No.	Chapter	Page
107	339	542
109	146	166
110	185	260
111	184	259
112	73	83
114	20	39
116	153	188
119	24	41
120	309	489
121	358	576
122	285	450
123	357	575
124	12	19
126	326	528
127	296	460
129	227	357
130	327	529
132	258	409
135	208	297
136	178	243
138	244	377
142	199	277
143	140	161
145	365	582
146	366	583
147	177	243
148	369	586
149	160	201
151	243	376
153	148	181
154	279	440
155	82	92
160	242	372
161	241	370
162	333	536
163	253	386
164	254	387
165	292	457
166	180	246
167	291	456
168	290	456
169	10	17
172	142	163
173	282	443
175	183	258
179	217	320
180	218	324

No.	Chapter	Page
182	320	505
185	11	18
187	136	157
188	139	160
189	281	442
193	344	547
194	272	431
198	44	55
199	324	526
200	271	428
201	276	437
202	263	417
204	77	87
207	338	541
208	286	452
209	190	265
211	274	432
212	240	369
213	152	187
216	305	485
223	341	544
224	343	546
228	298	469
229	173	239
230	172	237
231	377	612
232	379	615
233	376	611
234	353	570
235	193	270
236	13	20
237	237	367
238	238	367
251	264	418
257	378	613
263	Vetoed	624
264	261	414
265	Vetoed	622
270	329	530
273	203	291
275	168	218
278	212	301
283	363	581
290	348	565
292	220	329
293	249	382
297	137	158

No.	Chapter	Page
299.....	78	88
300.....	250	383
302.....	297	464
303.....	252	385
309.....	306	486
310.....	380	616
311.....	340	543
315.....	257	408
319.....	259	410
326.....	159	200
330.....	135	156
332.....	323	526
333.....	214	303
334.....	256	388
335.....	301	480
338.....	151	186
340.....	205	293
341.....	23	41

INDEX

For respective numbers of Senate and House Bills see Index on pages preceding, also Table of Contents.

	Page
ABANDONMENT—See Domestic Relations	
Child	157
Wife	160
ABSENT VOTERS BALLOT—See Elections	
Application	230
Soldiers & sailors—marking & return	230
canvassing	231
ACCIDENT & SICKNESS INSURANCE COMPANIES—See Insurance	
ADJUSTED COMPENSATION—WORLD WAR II	
\$27,000,000 bond issue (const'l amend't proposed).....	140
ADJUTANT GENERAL—See Appropriations, Military, Resolutions	
Appropriation	34
Graves N. D. members armed forces, registration.....	383
National guard, composition, enlistment, qualifications.....	385
ADMINISTRATOR—See Executors & Administrators.	
ADMINISTRATION—See Board of Administration.	
ADOPTION—See Domestic Relations	
Board of administration, powers repeal.....	526
Maternity home not to offer or advertise for.....	500
Who may petition district court for.....	156
ADVERTISING—See Adoption, Elections	
Liquor, bar from interstate mails, urging.....	655
AERONAUTICS—See Resolutions, Taxation.	
Appropriation	31
Commission, creating, powers & duties.....	1,2,3
Acceptance federal aid for municipalities.....	3
Designates & establishes state air ways.....	3
Licenses instruction & schools.....	5
Registers aircraft & airmen.....	4
Rules for common carrier certificate issuance.....	5
Rules, regulation, standards.....	3
Tariffs filed with.....	6
AGRICULTURAL CREDIT CORPORATIONS	
Liquidation of investments	123
AGRICULTURAL FAIRS	
Continuation or discontinuation tax levy—to be voted.....	7

Page

AGRICULTURAL COLLEGE

Appropriation—College	97, 98, 99
Experiment station	100
Extension division	100,101
Hettinger sub exp. station.....	88
North Central sub exp. station & state seed farm....	87
County agent expense accounts, audits, etc.....	8

AGRICULTURE—See Agricultural College, Dept. of Agriculture, Resolutions.

Agricultural credit corporations, liquidation of investments.....	123
fair tax levy continuation, submit to vote.....	7
County agent monthly expense account.....	8
Cream & skim milk, definition.....	9
purchases, posting grades, price differentials, etc.....	10
Dairy comm'r. & ass'ts, salaries.....	11
Potatoes, labeling, branding, tagging for sale.....	12

AID TO DEPENDENT CHILDREN—See Children, Child Welfare.

Definitions & eligibility	494
---------------------------------	-----

AIR CRAFT, AIR INSTRUCTORS, AIRMEN, AIR PORTS, AIR SCHOOLS, AIRWAYS—See Aeronautics, Taxation.

ALCOHOLIC BEVERAGES—See Initiated Measures, Approved, Resolutions.

Consumption & carrying in motor vehicle unlawful.....	17
Retail sale license & fee.....	18
sale license, suspension or revocation.....	15
Sale election day, Memorial Day, Good Friday, prohibited.....	19
to minors, incompetents, Indians or drunkards unlawful.....	14
with other commodities & connecting doorways prohibited.....	617
Subsidizing retailers prohibited.....	20

AMENDMENTS & REPEALS

North Dakota Revised Code of 1943

	1947	Page
	Chap.	
2- 01	1	1
4-0230	2	7
4-0810	3	8
4-1801 Sub. 10 & 11	4	9
4-1005	7	12
4-1707	6	11
4-1816	5	10
5-0113	12	19
5-0303	11	18
6-0303	112	127
6-0340	108	123
6-0347)		
6-0350)	113	128
6-0614	111	126
6-0808	114	129
6-0912	110	125
6-0929	109	124
7-0417	116	132
10-0403	124	141

	1947	
	Chap.	Page
11-1010 Sub. 3	127	147
11-1507 Sub. 21	130	150
11-1704 Sub. 1)		
11-1705)	228	358
12-4506	132	152
12-5510	131	151
14-0503 Sub. 7	138	159
14-0715	136	157
14-0716	139	160
14-1108	135	156
15-0603 to)		
15-0617 incl.) .....rep.	160	201
15-0707)		
15-0717)		
15-0816)	158	198
15-2001 to)		
15-2004 incl.)	169	219
15-2005	170	222
15-2006	169	219
15-2007)		
15-2009) .....rep.	170	222
15-2010	169	219
15-2505 Sub. 3	140	161
15-2508	142	163
15-2509	143	164
15-2515	141	162
15-3102	144	165
15-3404	151	186
15-3502 Sub 2, 3, 4	148	181
15-3602)		
15-3612)		
15-3613)	150	184
15-3914	166	215
15-3917)		
15-3921)	167	216
15-3928	165	214
15-3940	168	218
15-4004	102	119
15-4007	163	211
15-4007)		
15-4011)		
15-4012)	162	205
15-4014	152	187
15-4018	162	205
15-4018	164	212
15-4208	153	188
16-0107)		
16-0402 to)		
16-0406 incl.)		
16-0412)	171	229
16-0413	173	239
16-0414	173	239
16-0415)		
16-0420)		
16-0426)	175	241

	1947	
	Chap.	Page
16-0503 to)		
16-0505 incl.)	171	229
16-0509	173	239
16-0602	172	237
16-0804)		
16-0807)	171	229
16-1016	177	243
16-1110	172	237
16-1703	171	229
16-1705	174	240
16-1805)		
16-1811)		
16-1813)		
16-1814)	171	229
18-0504	180	246
18-0513	179	245
19-0103	181	247
19-12	182	248
20-0117)		
20-0124)	187	263
20-0203)		
20-0207)		
20-0209)		
20-0211)		
20-0212)	185	260
20-0408	186	262
20-0703	184	259
20-0709	183	258
20-1307)		
20-1308)	188	264
21-0306 Sub. 4	196	274
21-0306 Sub. 2	190	265
21-0307	192	269
21-0307	195	272
21-0315	193	270
21-0330	194	271
21-0501	191	268
23-0101 to)		
23-0108 incl.)		
23-0111)	200	279
23-0603 Sub. 5	198	276
24-0105	201	289
25-0313	206	295
25-0333	205	293
25-0409	207	296
25-0510	209	297
26-0104	211	300
26-0335 Sub 7, 8, 9	226	353
26-0811	217	320
26-0812	218	324
26-1001	226	353
26-1009 to)		
26-1014 incl.)	225	350
26-1234	221	344
26-1308	212	301
26-1309	213	302
26-1501	215	318

	1947	Page
	Chap.	Page
26-1502	216	319
26-2232	224	348
26-2245	223	347
26-2306	210	298
26-2413)		
26-2414)		
26-2417)		
26-2422).....	219	325
26-2423)		
26-2424).....rep.	219	325
27-0202	234	365
27-0303	233	364
27-0305)		
27-0306).....	228	358
27-0503	232	363
27-0509 to)		
27-0514 incl.).....rep	229	360
27-0602	231	362
27-0740)		
27-0741).....	228	358
27-0808)		
27-0812).....	230	361
27-1127	227	357
28-0622	238	367
28-0626	237	367
28-2734 to)		
28-2740 incl.).....rep.	236	366
30-1802	241	370
30-2105	240	369
37-0134	248	381
37-0202)		
37-0701).....rep.	252	385
37-1406	245	378
38-0105	253	386
38-0304	255	387
38-0601	254	387
39-14	256	388
39-0303)		
39-0304)		
39-0307).....	262	415
39-0401 Sub. 1.	258	409
39-0405	257	408
39-0421	271	428
39-0422	269	426
39-0424	267	422
39-0425)		
39-0431).....	271	428
39-0432	276	437
39-0449	271	428
39-0449	263	417
39-0453	268	424
39-0513	261	414
39-0602 Sub. 3, 6	259	410
39-0605)		
39-0606).....	265	419
39-0607	259	410
39-0609	266	421
39-0610) Sub. 2, 4, 6		

	1947	
	Chap.	Page
39-0611)		
39-0616)		
39-0618)		
39-0619)	259	410
39-0902 Sub. 8	275	436
39-1010	260	413
39-1204 Sub. 3	264	418
40-0501 Sub. 1	281	442
40-0501 Sub. 59	284	449
40-0708	291	456
40-1703	278	439
40-2110	292	457
40-2201	286	452
40-2307	285	450
40-2608	288	454
40-3302	280	440
40-3312 Sub. 2	289	455
40-4602	277	438
40-4914	282	443
43-0407	294	459
43-0422	293	458
43-0442 Sub. 10	295	459
43-1101)		
43-1106)		
43-1116)		
43-1117)		
43-1119) Sub. 1		
43-1121) Sub. 4		
43-1126) Sub. 1		
43-1127	297	464
43-1302)		
43-1313)		
43-1322)	300	478
44-0201	301	480
46-0311	303	483
46-0503	302	482
49-0108	307	487
49-1121 to		
49-1123 incl.	309	489
49-1306	305	485
49-1802	311	491
49-1803)		
49-1804)	310	490
50-0732	317	502
50-0734	318	503
50-0901)		
50-0905)	314	494
50-13	200	279
50-1301 to)		
50-1313 incl.)	316	498
51-0708	319	504
52-0209	321	524
54-1211	322	525
54-1302	326	528
54-1504	330	531
54-1814	328	529
54-2113 Sub. 1	200	279
54-2113 Sub. 3, 4	323	526

	1947	
	Chap.	Page
56-0420	333	536
57-0903 rep.	363	581
57-1506	356	573
57-1508	355	572
57-1509	362	580
57-1512 Sub. 1	357	575
57-1514	359	577
57-1516	351	568
57-1517 Sub. 1	345	562
57-1519	352	569
57-1520	360	578
57-1521	354	571
57-1522	361	579
57-1907)		
57-1908).....	346	563
57-3702	335	538
57-3724	334	537
57-3804 Sub. 2	338	541
57-3817 Sub. 1	337	540
57-3831 Sub. 1	339	542
57-4101 Sub. 5	382	618
57-4114	105	121
57-4119 to)		
57-4122 incl.)		
57-4124 to)		
57-4131 incl.).....	382	618
58-0401	364	581
58-0602	366	583
58-0701	365	582
58-0802	367	584
60-0701)		
60-0702).....	368	585
61-0501)		
61-0503)		
61-0505)		
61-0507)		
61-0508)		
61-0509)		
61-0511)		
61-0513)		
61-0515)		
61-0516)		
61-0601)		
61-0615)		
61-0622).....	372	593
61-1212)		
61-1217)		
61-1228)		
61-1238).....	370	589
61-1505 rep.	189	265
61-1610)		
61-1614)		
61-1615)		
61-1619)		
61-1628).....	373	600
61-2142	369	586
64-0210	374	605
65-0102) Sub. 4		

	1947	
	Chap.	Page
65-0102) Subs, 5c, 10, 11,		
65-0103)		
65-0418)	375	607
65-0431)	376	611
65-0502)	375	607
65-0503)	377	612
65-0508)		
65-0509)	375	607
65-0703)	379	615
65-0802)	375	607

SPECIAL SESSION 1944

	1947	
	Chap.	Page
14		
16 Sec. 2	369	586
17 Sec. 1, 2)		
18 Sec. 1)		
19 Sec. 1)		
20 Sec. 1, 2)		
21 Sec. 1)		
22 Sec. 1)		
23 Sec. 1)		
24 Sec. 1)		
25 Sec. 1)		
26 Sec. 2)	171	229
28 Sec. 2	219	325
30 Sec. 1	246	379
31 Sec. 1	249	381
33	234	365

INITIATED MEASURE 1944

Sec. 9	rep pt 382	618
--------------	------------	-----

SESSION LAWS 1945

	1947	
Chap.	Chap.	Page
38	rep. 1	1
47	7	12
50 Sec. 9, 11	9	15
52 Sec. 1	8	14
53 Sec. 2	13	20
145 Sec. 2	116	132
157	126	146
165	152	187
169 Sec. 1, 2)		
170)	162	205
170	164	212
199	201	289
209	rep. 219	325
211	215	318
216	231	362
236 Sec. 2	246	379
236 Sec. 3	247	380
238 Sec. 1, 3	249	382
242 Sec. 4	245	378
246 Sec. 1	264	418

247	Sec. 1	268	424
248		267	422
250		262	415
251	Sec. 2, 3	271	428
264		6	11
264	Sec. 6, 7, 8, 9	185	260
264	Sec. 12	233	364
264	Sec. 15	255	387
273		341	491
278		314	494
289	Sec. 1	324	526
295		334	537
301	Sec. 1	357	575
303		rep.	538
304		361	579
306	Sec. 4	336	539
311		351	568
313		349	565
329		369	586
337	Sec. 1, 2	375	607

INITIATED MEASURE 1946

Sec. 2	342	545
--------	-----	-----

Page

ANIMALS—See Game, Fish & Predators.

Bounties, wolf, coyote, fox, bobcat, magpie	22
---	----

APPEALS

Alcoholic beverage license revocation	15
Insurance agents license revocation	352
rates, casualty insurance, minority	312
fire & other property, "	338
Reorganization of school districts, county committee decision	180
State health officer, etc., denials	287

APPRENTICE—See Barbers.

Barber, must be registered	458
----------------------------	-----

APPROPRIATIONS

Bounties—wolf, coyote, fox, bobcat, magpie	22
Boys & girls club work county fairs	23
Budget	24
Adjutant General	34
Administration, board of	32
Aeronautics commission	31
Agriculture & labor, dept. of	29
Athletic commission	30
Bee diseases & licensing	30
Cooperative research & education	29
Dairy department	29
Minimum wage & child labor	30
Predatory animals control	30
Attorney general	27
Auditor	26
Budget board	35
District courts	25
Examiner	35

	Page
Fire marshal	27
Governor	24
Higher education, board of.....	35
Industrial commission	33
Insurance commissioner	27
Land commissioner	32
Legislative assembly, 31st.....	34
Research committee	34
Library commission	33
Lieutenant governor	25
National guard	34
Pardon board	34
Printer	33
Public instruction	28
Certificate fund	28
County agricultural schools aid	28
State aid & examinations	28
Surplus property	29
Public service commission	30
Elevator division	31
Utility valuation division	31
Weights & measures dept.	31
Reward apprehension of criminals	35
Secretary of state.....	25
Public printing	26
Securities commission	35
Seed department	33
Supreme court	25
Reporter & law librarian	25
Tax commissioner	32
Treasurer	26
Liquor control	26
Vocational education	36
Rehabilitation	36
Burial penal inmates, soldiers & sailors headstones; release insane, taxable land list	37
Divide county	38
Fire department insurance tax.....	38
deficit	39
Firemens association	40
Fugitives from justice.....	40
Legislative assembly, expenses.....	41
members allowance	41
McLean county	42
Pension minor children of John E. Crites.....	43
Presidential electors	43
Refunds, misc.	44
moneys paid general fund.....	44
Schools	
Districts in financial distress.....	45
High school correspondence study.....	46
School lunch division, maintenance.....	46
salaries & expenses	47
State Dept's, Comm'n, Etc.	
Attorney general, assistant land dept.....	48
licensing dept.	48
Bonding fund	49
Bonds, state officials.....	50

	Page
Coal mine inspector & safety work.....	50
Emergency commission	51
Equalization fund	52
Escheated estate fund.....	53
Fire & tornado fund.....	53
Game & fish department.....	54
special bulletin	55
Gasoline tax division—state auditor.....	56
Geological survey	57
Hail insurance department.....	58
Highway department	59
motor patrol	60
Historical society	61
peace garden equipment	62
Insurance commissioner—deficiency	63
Laboratory department	63
Law library	64
Livestock sanitary board.....	65
Motor fuel tax division—state auditor.....	66
state treasurer	67
registration fund	67
vehicle registrar	68
National guard—armories	69
Poultry improvement board	70
Public health department, etc.	71
Public service commission—auto transportation	73
livestock dealers division.....	74
salary deficiency	75
Public welfare board	75
Research foundation	78
Seed department	78
Soil conservation committee or districts	79
Teachers insurance & retirement fund.....	80
Veterans affairs commissioner.....	81
aid fund	82
emergency fund	83
Veterinary medical examiners.....	84
Water conservation administration fund.....	85
Workmens compensation bureau.....	86
State Institutions	
Agricultural experimnt station, north central & state seed farm....	87
sub experiment station, Hettinger	88
Audits state industries	89
Bank of North Dakota	90
Blind, school for	91
Capitol park addition, special assessments.....	92
Deaf, school for	93
Grafton, state school	94
state-at-large deficiency	96
care feeble minded undeterminable residence	97
Higher learning	97
Hospital for insane	104
land purchase	105
state-at-large patients	106
deficiency	107
Mill & Elevator association	107
Penitentiary	108
Soldiers home	110

	Page
State farm	111
fire insurance	112
Training school	112
land purchase	114
Tuberculosis sanitorium	115
Twine & cordage plant	116
Transfers	
Auto-transportation to highway operating fund.....	118
Equalization emergency to hail insurance.....	119
Livestock dealers fund (\$5000) to general fund.....	120
Milling bond payment (\$23,027.00) to general fund.....	120
Motor fuel tax fund (\$25,000) to general fund, eliminating.....	121
Post war rehabilitation, \$3,000,000 to.....	121
rehabilitation to veterans aid fund.....	122
APPROPRIATIONS, PERMANENT OR PART OF OTHER ACTS	
Aeronautics commission	3
N. D. state reports purchase by sec'y of state.....	365
Old age & survivor system.....	505
Reorganization of school districts.....	180
State budget director.....	531
inst'l buildings & improvement—permanent.....	535
ARMED FORCES—See Military, Motor Vehicle.	
Discharge papers, clerk of court record without charge.....	381
Graves, register & record members buried in N. D.....	383
National guard, composition, enlistments, etc.	385
armory constructions, misc.	69
field training camp Grafton, urging war dept.	671
ARMORIES	
Appropriation, construction Bowman, Harvey, Hettinger, Langdon, Linton, Oakes, Wishek.....	69
ASSESSED VALUATION	
Referred measure, disapproved	622
ASSESSMENTS—See Comm'r of Insurance, Municipal Corporations, Teachers insurance & retirement fund.	
ATTORNEY GENERAL—See Alcoholic Beverages, Crimes & Punish- ments, Health, Jud'l Procedure, Motor Vehicles, Schools, Un- employment Comp'n	
Appropriation	27
Assistant, land department	48
licensing department	48
Health council, assistance by.....	280
Highway patrol hearing board, member of.....	415
Public service comm'r designation ass't as commerce counsel.....	487
Revenue producing inst'l bldgs., approves bond.....	193
Salary attorney general	525
State committee on reorganization of school selection board, member of	222
Tax comm'r may request aid by.....	554
Unsatisfied judgment fund, duties	433
ATTORNEYS	
Foreign, right to practice in N. D. terminates upon disbarment in own state	357
AUDITORS—See Board of Auditors.	

	Page
AUDITS—See Board of Auditors, State Examiner.	
Appropriations, state industrial institutions, etc.....	89
Bank of N. Dak. & other institutions	525
N. D. Mill & Elevator association.....	529
AUTOMOBILES—See Motor Vehicles.	
BALLOTS	
Absent voters, application, sending, etc.....	230
marking & return, canvass, soldiers & sailors.....	230,231
Applicants name on ballot by county auditor.....	232
secretary of state	234
Initiated or referred measures numbered in order of receipt.....	242
No party, vacancy how filed	236
Precinct committeemen, how name placed on.....	236
forms & contents	240
Sample & notice of time & place of election—general.....	237
primary " " " " " "	239
Separate for each political party	241
BANKS AND BANKING	
Agricultural credit corporations, liquidation of investments.....	123
Bank of N. D., examination & report by state examiner.....	124
interest rates, time deposits, charges, etc.....	125
Credit unions, loans, security, meetings, etc.	126
Directors, qualifying, shares, issue & transfer.....	127
Loans & investments insured by U. S. or instrumentalities.....	128
Stock held by decedent, repeal duties county judge, etc.....	129
Termination receiverships insolvent banks by state examiner.....	130
BANK OF NORTH DAKOTA	
Appropriation	90
Annual examination board of auditors.....	528
Examination & reports by state examiner.....	124
Interest rates, time deposits, charges, etc.....	125
Private sale municipal bonds to.....	271
BAR ASSOCIATION	
Certain court fees to be deposited with	358
BARBERS	
Apprentice registration	458
Board members compensation & mileage.....	459
Shop owner—establishment fee.....	459
BEAVER	
Protection	258
BEER—See Resolutions.	
Consumption & carrying in motor vehicle unlawful.....	17
Retail sale license & fee.....	18
inspection or revocation.....	15
Sale election day, Memorial Day, Good Friday prohibited.....	19
to minors, incompetents, Indians or habitual drunkards.....	14
with other commodities & connecting doorways prohibited, etc..	617
Subsidizing retailers prohibited.....	20
BEVERAGES—See Alcoholic Beverages, Beer, Liquor.	
BIRD	
Meadow Lark, official bird state of North Dakota.....	530

	Page
BIRTHS	
Out of wedlock or with deformities report to child welfare division	496
Reports by maternity homes for unmarried mothers.....	500
BLIND	
Appropriation, ard to needy	76
school for the blind.....	91
BOARD OF ADMINISTRATION—See Appropriations, Resolutions.	
Appropriation	32
Children placement & adoption, powers, repeal.....	526
Legislature, chambers & committee rooms, improvement.....	646
electric roll call system, senate, authorizing.....	646
Reciprocal exchange insane, feeble-minded, etc.....	297
State charitable & penal institutions, employees retirement.....	534
Institutional buildings, etc., permanent appropriations	535
BOARD OF AUDITORS	
Appropriation misc. audits for "State board of auditors fund".....	89
Bank of N. Dak. & other industrial institutions.....	528
N. D. Mill & Elevator association	529
Unemployment compensation adm. fund, audit unnecessary.....	525
BOARD OF EQUALIZATION—See Appropriations, Schools.	
BOARD OF HIGHER EDUCATION—See Approp'ns, Resolutions, Schools.	
Appropriation	97
Commissioner, duties scholarships orphans world war II.....	196
Conveyance mining exp. station premises to city of Hebron.....	527
Institutional buildings, etc., permanent appropriations.....	535
Revenue producing buildings, bonds.....	195
construction	189
BOARD OF UNIVERSITY AND SCHOOL LANDS	
Municipal bonds, private sale to.....	271
Public lands patent, effect where person dies before issue.....	198
School lands, conveyance grant & non-grant lands.....	198
leasing and sale lands traversed by R. R., etc.....	200
sale procedure original grant lands.....	201
sale of stumpage Garrison dam area.....	204
BONDS—See Appropriations, Insurance, Municipal Corporations, Resolutions, Schools, Taxation, Waters.	
City, purposes & specific limitations.....	265
Municipal, election, vote required.....	269
direct, annual irrepealable tax	270
private sale to U. S. or state agency.....	271
replacement public bluidings, board of budget review.....	272
Public employees, premium elimination.....	298
Revenue producing buildings, higher educational institutions.....	195
School bus equipment purchase	274
BOUNTIES	
Wolf, coyote, fox, bobcat, magpie.....	22
BOYS AND GIRLS	
Appropriation club work county fairs.....	23
BOX CAR SUPPPPLY	
Urging control removal.....	30

	Page
BUDGET	
Appropriations comprising state	24
Director of, appointment, etc.....	531
BUILDING AND LOAN ASSOCIATIONS	
Loan repayment	132
BUILDINGS—See Institutional Buildings, Municipal Corporations.	
Moving, raising & lowering electrical supply lines.....	486
BURIAL—See Appropriations.	
Deceased indigent persons, duty of counties.....	276
BUSES	
School bus drivers qualifications, definition.....	427
equipment, bonds.....	274
meeting or overtaking, duty to stop.....	431
CANDIDATES—See Elections.	
Certificate of nominations, when filed.....	233
County & legislative district, petitions, filing.....	231, 232
Precinct committee men, petitions, filing	236
State, congressional, judicial, " "	234
Secretary of state, certifies nominees state or district office.....	233
Lists of nominees, secretary of state to county auditor.....	235
Nominee declines, certificate void.....	235
CAPITOL BUILDING	
Legislative chambers & committee rooms, improvement.....	644
Maintenance and repairs appropriation	32, 33
Park addition, payment special assessments.....	92
CARRIERS—See Aeronautics, Motor Vehicles.	
Motors, common, special & contract, regulating	490
farmers, etc. hauling own goods.....	491
CASUALTY INSURANCE	
Rate regulation	303
CHILD WELFARE—See Children, Public Welfare	
Appropriation, aid to crippled children.....	76
dependent children.....	76
welfare services.....	76
CHILDREN—See Children, Public Welfare, Social Security, Veterans	
Abandonment or non-support.....	157
Adoption, repeal, powers, board of administration.....	526
who may petition district court for.....	156
Dependent, eligibility for aid.....	494
Neglect of.....	158
CHIROPRACTIC	
Hospitals, establishment & regulation.....	460
CITIES—See Municipal Corporations, Taxation	
Bonds, purposes, & specific limitations.....	265
Employees pension fund, tax levy limitations.....	438
Memorials, may join county, etc., to erect.....	145
Public recreation system, power to establish, etc.....	445
Treasurer triplicate receipts.....	439
War emergency fund transfer to emergency fund.....	440

	Page
CLERK OF COURT—See Counties, Judicial Procedure	
County, district, & supreme court, fees collectible.....	358
Fees, misc. portions to be remitted to state bar ass'n.....	358
Salary, county court, incr. jurisdiction.....	361
Servicemen's discharge, record & copy without charge.....	381
COAL MINE INSPECTOR—See Mining	
Appropriation	50
Safety rules, promulgation & enforcement.....	387
Salary	387
COMMISSIONER OF AGRICULTURE & LABOR—See Agriculture, Appropriations, Board of Administration, Dept. of Agriculture & Labor, Resolutions.	
COMMISSIONER OF INSURANCE—See Insurance.	
Appropriations.....	27, 63
Bonds public employees, premium elimination.....	298
Fees chargeable collectible by.....	300
Fire and tornado fund, assessments, rates, loss, payments.....	325
Hall insurance, additional coverage.....	345
adjustment of claims.....	347
COMMISSIONER OF VETERANS AFFAIRS—See Military, Veterans	
Appropriation	81
COMMON CARRIERS—See Motor Vehicles, Public Utilities, Resolutions	
Aircraft, certificate of authority by aeronautics commission.....	5
Motor, exemptions to farmers, etc. hauling own goods.....	491
regulating common, special and contract.....	490
COMMON SCHOOL DISTRICTS—See Schools	
COMMUNITY CENTERS	
Establishment, etc.....	445
May be made memorials.....	449
CONSERVATION	
Water conservation districts, secr., treas., board powers, tax levy etc.	600
Wild life conservation project, repeal filing & recording fees.....	265
CONSTITUTIONAL AMENDMENTS—See Elections.	
Disapproved:	
Compensation legislative assembly.....	621
Optional form of county government.....	621
Post war rehabilitation reserve fund tax levy.....	621
Proposed:	
Equal rights for women—U. S. Constitution.....	134
Municipal liquor stores.....	135
N. D. state medical center fund tax levy.....	136
Post war rehabilitation reserve fund tax levy.....	137
State institutional building reserve fund tax levy.....	138
State elective officers & members legislative assembly, salary and travel expenses.....	139
World war II adjusted compensation bond issue.....	140
CONVEYANCE	
Mining experiment station premises to city of Hebron.....	527

	Page
Land to state school of science by Wahpeton Chamber of Commerce.....	676, 677
CORPORATIONS—See Banks & Banking, Insurance, Municipal Corporations, Public Utilities, Taxation.	
Agricultural credit, liquidation of investments.....	123
Securities exempt from supervision and sale.....	141
Use of certain federal & related names prohibited.....	153
COSMETOLOGY	
Practice, regulating.....	464
COUNTIES—See Highways, Insane, Municipal Corporations, Taxation, Veterans, Waters.	
Claims against.....	263
County comm's authorized to erect memorials.....	144
mileage & expenses in certain cases.....	146
salaries	147
County officers, salary, increase.....	148
County superintendents of schools salaries.....	149
Burial deceased indigents, duty.....	276
Optional form of government for (const'l amend't disapproved).....	621
Sheriff's fees boarding prisoners.....	150
COUNTY AGRICULTURAL TRAINING SCHOOLS	
Aid—appropriation	28
Joint maintenance county & state.....	138
COUNTY AUDITOR—See Counties, Elections, Highways, Motor Vehicles, Schools, Taxation, Waters.	
COUNTY COURT—See Courts	
COUNTY COMMISSIONERS—See Counties, Highways, Irrigation, Military, Municipal Corporations, Taxation, Waters.	
COUNTY MUTUAL INSURANCE COMPANIES—See Insurance	
COUNTY TREASURER—See Counties, Municipal Corporations, Schools, Taxation, Waters.	
COURTS	
County:	
Bank stock held by decedent, repeal duties, county judge.....	129
Filing fees.....	353
Junior drivers license issuance, duties.....	420
Salaries judges & clerks, courts incr. jurisdiction.....	361
District:	
Filing fees.....	358
Salaries & expenses judges & court reporters.....	362, 363
Terms fixed by supreme court.....	360
Supreme	
District courts terms fixed by.....	360
Filing fees.....	358
Prescribes rules for forms & contents of briefs.....	366
Reports, sec'y state to purchase.....	365
Salary clerk.....	364
Judges	365

	Page
CREDIT UNIONS	
Loans, security, meetings, etc.	126
CRIMES & PUNISHMENTS—See Appropriations	
Aeronautics, violations.....	6
Alcoholic beverages, sales, minors, etc.....	14
consumption etc. in automobile.....	17
Births out of wedlock or with deformities, failure to report.....	497
Board of pardons, failure to appear before, etc.....	151
Burial expense inmates pen'y and training school.....	152
Chiropractic hospitals, violations.....	463
City or village construction fund, unlawful withdrawals.....	567
Employing minors under 18 in mining industry.....	386
Fireworks, supervised public display, sale, violations.....	279
Garbage etc. deposited on highway.....	290
Insecticide, fungicide, rodenticide & other economic poisons, viola- tions	256
Insurance rates, casualty, violations.....	317
fire and other property.....	342
Lignite for farmers, etc. failure to supply etc.....	488
Maternity homes un-married mothers, violations.....	501
Motor vehicles—drivers license revocation, false statements.....	411
failure to stop meeting or overtaking school bus.....	432
revised fee schedules within municipality, etc., violation.....	425
Names, certain federal & related, mis-use.....	153
Practical nurses, violations.....	477
Sales tax, violations.....	557
Sentences, suspension of imposition, dismissal of information, etc....	154
Sound warnings by locomotives at public highway crossings.....	489
Supply depot of repairs for tractors, engines, machinery, violations..	504
CRITES, JOHN E.	
Pension minor children.....	43
CROSSINGS	
Public highway, sound warnings by locomotives.....	489
Streets, raising & lowering electric supply, etc. lines, moving bldgs...	486
DAIRY PRODUCTS—See Agriculture, Resolutions	
DAMAGE—See Motor Vehicles	
Accidents & damage claims, reports, financial responsibility owners and operators.....	388
DAMS—See Resolutions, Waters.	
Construction etc., water conservation districts.....	600
Heart river, Missouri-Souris projects, Sheyenne dam, immediate construction	640
Stumpage, sale on school land Garrison dam area.....	204
DEAF & DUMB	
Appropriation, school.....	93
DECEDENT	
Bank stock held by.....	129
Indigent, burial, duty of county.....	276
DEFINITIONS	
Common carrier	1
Cream, skim milk.....	4
State institution, teacher.....	146
	6
	9
	166

	Page
County committee, county superintendent.....	147 168
Reorganization of school districts.....	147 168
School lunch program, school, school board.....	149 182
State educational agency.....	149 182
Director, division, disabled individual.....	170 222
Employment handicap	170 222
Executive officer of the board, maintenance.....	170 222
Occupational licenses, physical restoration.....	170 222
Prosthetic appliance, regulations.....	170 222
Rehabilitation training	170 222
Vocational rehabilitation	170 222
Vocational rehabilitation services state board.....	170 222
Active ingredient, adulterated, antidote	182 248
Commissioner, device, economic poison	182 248
Fungi, fungicide, herbicide	182 248
Inert ingredient, ingredient statement, insect.....	182 248
Insecticide, label, labeling, misbranded.....	182 248
Persons, registrant, rodenticide, weed.....	182 248
Fireworks	199 277
Commissioner, driver, judgment, license.....	256 388
Motor vehicle, non-resident	256 388
Non-residents operating privilege, owner.....	256 388
Proof of financial responsibility, state.....	256 388
Motor vehicle liability policy.....	256 388
Dealer	258 409
School bus	270 427
Board, cosmetology, demonstrator	297 464
Hairdresser & cosmetologist shop	297 464
Instructor, manager operator, operator	297 464
Student, student instructor	297 464
Practical nurses, state board	299 473
Applicant, assistance, county, dependent child.....	314 494
Private, state agency	314 494
Division, maternity home	316 498
Average monthly wage, calendar quarter, child.....	320 505
Currently insured individual, employee	320 505
Employer, employment, fully insured individual.....	320 505
Primary insurance benefit, political subdivision.....	320 505
Quarter of coverage, taxes, wages.....	320 505
Widow, wife	320 505
Gross income defined	337 540
Business, commissioner, gross receipts	344 547
Local governmental unit, person	344 547
Processing, retailer, retail sale.....	344 547
Relief agency, sale	344 547
Board, elector, works	372 593
Artificial members, hazardous employment	375 607
Permanent partial disability, premises	375 607
DENTAL HYGIENISTS	
Regulating practice.....	469
DEPARTMENT OF AGRICULTURE & LABOR—See Referred Measures, Resolutions	
Appropriations.....	29, 30
Cream & skim milk, definition.....	9
purchases, posting grade, price differentials, etc.....	10
Dairy comm'r & assistants salaries.....	11
Potatoes—labeling, branding, tagging for sale.....	12

	Page
DICKINSON STATE TEACHERS COLLEGE	
Appropriation	102
DISCHARGE	
Armed forces, clerk of court record without charge.....	381
DISTRICT COURTS—See Courts	
Appropriation	25
DIVORCE	
Grounds for.....	159
DOMESTIC INSURANCE COMPANIES—See Insurance	
DOMESTIC RELATIONS	
Adoption, who may petition district court.....	156
Child abandonment or non-support.....	157
neglect	158
Divorce grounds for.....	159
Wife abandonment or non-support.....	160
DRAINAGE	
Existing drains, repairs by county commissioners.....	586
Flood irrigation projects, hearing, notice, assessment review, etc.....	589
Irrigation districts, refunding etc. bonds.....	591
organization	593
DRUNKARDS	
Sale of alcoholic beverages to, unlawful.....	14
EDUCATION—See Higher Education, Schools, Teachers Ins. & Ret. Fund	
ELECTIONS—See Candidates, Municipal Corporations.	
Ballots, petitions, nominations, etc., regulating.....	229
general election, sample, notice, publication.....	237
primary " " " "	239
separate party.....	241
precinct committeemen.....	240
initiated & referred measures, numbering title.....	242
Const'l amend's or other question to be advertised.....	235
Officials, compensation.....	243
National conventions, delegates, expenses.....	243
ELECTRIC SUPPLY LINES	
Raising & lowering for moving buildings.....	486
ELLEDALE NORMAL & INDUSTRIAL SCHOOL	
Appropriation	101
EMERGENCY COMMISSION	
Appropriation	51
EMPLOYMENT—See Labor, Mines & Mining, Social Security	
Preference N. D. veterans.....	382
ENGINEERS	
Safety engineer, appointment by workmen's comp. bureau.....	613
State " duties organization irrigation districts.....	595
EPILEPTICS	
Reciprocal exchange with other states.....	297

	Page
EQUAL RIGHTS FOR WOMEN	
Proposed amendment U. S. Constitution.....	134
ESTATES—See Executors & Administrators, Judicial Procedure	
Appropriation escheated estate fund.....	53
Recovery old age assistance from recipient's estate, etc.....	503
EXAMINERS—See State Examiner	
EXECUTORS & ADMINISTRATORS—See Estates	
Bank stock held by decedents.....	129
Distribution of estates, petition, notice, waiver, final decree.....	369
Filing fees, estate & guardianships.....	359
Notice to creditors.....	370
EXPERIMENT STATIONS—See Agricultural College	
Appropriation, north central & state seed farm (Minot).....	87
Hettinger	88
EXPLOSIVES	
Fireworks, prohibiting sale.....	277
FAIR ASSOCIATIONS	
Agricultural, continuation, submit to vote.....	7
Fireworks, supervised display, permitting.....	277
FAIR TRADE	
Names, certain federal & related, misleading trade practices, prohibiting	153
FAMILY INCOME	
Division for income tax purposes, urging.....	633
FARM, STATE	
Appropriations.....	111, 112
FARM CROPS	
Basic, maintenance 90% parity floor, petitioning.....	634
FEDERAL AID—See Aeronautics, Health, Highways, Higher education, Resolutions, Waters.	
FEEBLE MINDED	
Appropriation Grafton state school.....	94, 97
County care expense, amount.....	296
Reciprocal exchange with other states.....	297
FEEBLE MINDED INSTITUTION—See Grafton State School	
FIDUCIARIES	
Surety joint control over money & assets.....	275
FINES—See Penalties	
FIRECRACKERS & FIREWORKS	
Sale prohibiting.....	277
Supervised public display by municipalities, etc.....	277
FIRE DEPARTMENTS	
Appropriations.....	38, 40
Firemen's & relief association & pension fund, state examiner report	245

	Page
Insurance tax apportionment by municipality.....	246
FIRE INSURANCE—See Insurance	
Fire & tornado fund, assessments, rates, loss payments.....	325
& other property insurance, regulating rates.....	329
FIRE MARSHAL	
Appropriation	27
Fireworks, sale violation, duties.....	278
supervised public display, regulations.....	277
FIRE & TORNADO FUND—See Commissioner of Insurance, Insurance	
Appropriation	53
Assessments, rates, loss payments.....	325
FIREMEN'S ASSOCIATION & FIREMEN'S RELIEF ASSOCIATION	
Appropriation.....	38, 40
Pension fund, reports, etc. by state examiner.....	245
Tax apportionment by municipality.....	246
FISH—See Game, Fish & Predators	
FLAX PRICE DIFFERENTIAL (1946)	
Recommending payment.....	635
FLOODS—See Irrigation, Resolutions	
Flood irrigation projects, hearing, notice, assessments review etc.....	589
Water conservation districts, sec'y, board powers, tax levy, etc.....	600
FOOD & DRUGS	
Insecticide, fungicide & rodenticide, regulating distribution, sale, etc.	248
State laboratory, appointment director.....	247
FOOT & MOUTH DISEASE	
Urging strengthening of control.....	637
FORESTRY	
Appropriation, school.....	101
FRATERNAL BENEFIT SOCIETIES—See Insurance	
Certificate valuations.....	344
FUGITIVES FROM JUSTICE	
Appropriation	40
FUNGICIDE	
Regulating sale.....	248
GAME, FISH & PREDATORS	
Appropriations.....	54, 55
Beaver protection.....	258
Fur bearing animals, season for taking.....	259
Game & fish comm's & game wardens, salary & expenses.....	260
Gun carrying, regulating.....	262
Hunting on posted land & taking fur bearing animals on posted land without permission unlawful.....	263
Predatory animal certificates, payment by state auditor.....	264
Wild life conservation project, repeal filing & recording fees.....	265

	Page
GENERAL ELECTION—See Elections	
GEOLOGICAL SURVEY	
Appropriation	57
GOOD FRIDAY	
Sale alcoholic beverages prohibited.....	19
GOVERNOR—See Vetoes	
Appropriation	24
Aeronautics, appoints commission.....	1
Firemen's relief association, duties in emergencies.....	245
Health council, appointments.....	280
Selection state reorganization of school district committee, chairman of board.....	169
GRAFTON STATE SCHOOL—See Insane, Feeble minded, etc.	
Appropriations.....	94, 96, 97
GRAVES	
N. D. members armed forces buried in N. D. registration & record....	383
GUARDIANSHIP—See Executors & Administrators	
Filing fees county court.....	358
GUN—See Game, Fish & Predators	
HAIL INSURANCE—See Comm'r of Insurance	
Appropriation	58
Additional coverage.....	345
Adjustment of claims.....	347
Levy & collection indemnity tax.....	348
Reimbursement, hall ins. fund.....	119
HAIRDRESSERS—See Cosmetologists	
HEALTH—See Children, Child Welfare	
Appropriation	71
Health council, appointment.....	280
Hospitals, chiropractic, licensing, etc.....	460
State department, reorganization.....	279
Hospitals medical licensing, etc.....	285
HEART RIVER PROJECT—See Resolutions	
Urging construction.....	640
HEBRON	
City of, conveyance mining exp. station premises.....	527
HIGHER EDUCATION & HIGHER LEARNING—See Appropriations, Schools, Teachers Ins. & Ret. Fund.	
Appropriations.....	35, 97
Institutional buildings, permanent appropriations.....	535
revenue producing bonds.....	195
" " construction.....	189
state inst'l building fund, (prop, const'l amend't).....	138
Scholarships orphans world war I & II vets, duties comm'r.....	196
Teachers contract renewal.....	166
HIGHWAYS—See Appropriations, motor vehicles, resolutions	
Appropriations.....	59, 60

	Page
Commissioner, chairman highway patrol, hearing board.....	415
Garbage, glass, etc. on highways, unlawful.....	290
Reconstruction work without letting contract permitted.....	291
Secondary highway system.....	289
Traffic lights, uniform.....	292
HIGHWAY PATROL—See Appropriations, Motor Vehicles	
Appropriation	60
Patrolmen, appointment, removal, duties.....	415
HISTORICAL SOCIETY	
Appropriations.....	61, 62
HOMESTEAD	
Entry N. D. submarginal lands for vets, petitioning.....	680
HOSPITAL FOR THE INSANE—See Insane	
Appropriations.....	104-107
HOSPITALS—See Appropriations, Health, Insane, Public Welfare	
Chiropractic, Licensing, etc.....	460
Maternity home for un-married mothers licensing, etc.....	498
Medical, licensing, etc.....	285
HUNTING—See Game, Fish & Predators	
Gun carrying, regulating.....	262
Posted lands without permission unlawful.....	263
HYGIENIST	
Dental, regulating practice.....	469
INCOME TAX—See Resolutions, Taxation	
INCOMPETENTS	
Sale of beer or alcoholic beverages to, unlawful.....	14
Vets, world war I & II, orphans, scholarships educational inst's.....	196
INDIANS	
Sale of beer of alcoholic beverages to unlawful.....	14
U. S. restrictions on land & other interests, urging removal for vets.	679
INDUSTRIAL COMMISSION	
Appropriation	33
Industrial institutions, annual examination.....	528
INITIATIVE & REFERENDUM	
Initiative Measures—Approved:	
Liquor-food divorcement, prohibiting connecting doorways, etc...	617
Refund motor vehicle fuel tax used for agr. & ind. purposes.....	618
Referred Measures—Disapproved:	
Valuation basis for computing tax.....	622
Submitted for vote at June Primary 1948:	
Labor relationships, unions or other ass'ns. strikes, etc., regu-	
lating	372
Right to work not to be denied on acc't labor organization mem-	
bership	376
INSANE—See Appropriations	
Commitment & transfer to veterans administration or other U. S.	
agency, procedure.....	293

	Page
Duties, sheriff, etc., in commitment & transfer to state veterans administration hospital.....	295
Reciprocal exchange, etc. insane, feeble minded, or epileptic persons	297
INSECTICIDES	
Distribution, sale, etc.....	248
INSTITUTIONS—See State Institutions	
INSURANCE—See Commissioner of Insurance, Social Security	
Accident & sickness ins. companies, age limitations, change beneficiary	301
voting rights policy holders.....	302
Casualty insurance, rate regulation.....	303
County mutual insurance companies, organization.....	318
" " " " " powers, liabilities, duties, etc..	319
Domestic insurance companies, investment of funds.....	320
" " " " " limitation on purchase & conveyance real property.....	324
Fire & other property insurance, regulating.....	329
Fraternal benefit societies, certificate valuation, etc.....	344
Life insurance companies & agents, regulating.....	350
policy requirements other than standard forms.....	353
Old age & survivor insurance system, establishing.....	505
Unemployment compensation, administration.....	524
INTOXICATING LIQUOR—See Alcoholic Beverages, Beer, Resolutions.	
IRRIGATION	
Existing drains, repairs by county commissioners.....	586
Flood irrigation projects, hearing, notice, review assessments, etc..	589
Irrigation districts, bonds, refunding or paying outstanding bonds....	591
" " " " " organization.....	593
JUDGES—See Courts Judicial Procedure	
Appropriation	25
Salaries county judges.....	148
judges, county court incr. jurisdiction.....	361
supreme court.....	365
& expenses, district court.....	363
JUDGMENTS	
Fines & costs, status, compromises, etc.....	368
Motor vehicle accident, security to satisfy, etc.....	391
Unsatisfied judgment fund, establishment & procedure.....	432
JUDICIAL PROCEDURE—See Adoption, Crimes & Punishments, Domestic Relations	
Civil:	
N. D. supreme court reports, secretary of state to purchase.....	365
Rules supreme court briefs, promulgated by supreme court.....	366
Service by publication or outside state, when complete.....	367
Summons by publication, number of publications.....	367
Criminal	
Judgment for fines & costs, status, compromise, etc.....	368
Probate:—See Public Welfare	
Bank stock held by decedent, repeal duties county judge.....	129

	Page
Distribution estate, petition, notice, waivers.....	369
Notice to creditors, probate of estates.....	370
LABOR & LABOR ORGANIZATIONS—See Dept. of Agriculture & Labor, Employment, Mines & Mining	
Labor relationships, unions or other ass'ns, strikes, etc.....	372
Right not to be denied on acc't labor organization memberships.....	376
LABORATORY DEPARTMENT	
Appropriation	63
Appointment director.....	247
Insecticide, fungicide & rodenticides, regulating distribution sale, etc.	248
LAND COMMISSIONER & LAND DEPARTMENT	
Appropriation	32
Municipal bonds, private sale to bd of univ. & school lands.....	271
Public lands, effect where person dies before patent issues.....	198
School lands, conveyance grant & non-grant lands.....	198
leasing & sale lands traversed by R.R. etc.....	200
sale procedure original grant lands.....	201
sale stumpage Garrison dam area.....	204
LAND LIST	
Taxable — appropriation.....	37
LAW LIBRARY	
Appropriation	64
LAWS	
Session laws, publication, copyright.....	483
LEGAL NOTICES	
Publication, fees.....	482
LEGISLATIVE ASSEMBLY—See Resolutions	
Appropriations	41
Compensation (Const'l amend't—disapproved Nov. 5, 1946).....	621
Salary & travel expenses (Const'l amend't—proposed).....	139
LEGISLATIVE RESEARCH COMMITTEE	
Members terms, vacancy how filled.....	526
certain to serve during 30th session term.....	652
LEVIES & LIMITATIONS—See Taxation	
LIBRARY COMMISSION	
Appropriation	33
LICENSE	
Air schools & aeronautics instructors.....	1
Casualty ins. rating organizations.....	309
Chiropractic hospitals	460
Cosmetologists	464
Dental hygienists	469
Intoxicating liquor, retail sale	18
Maternity homes unmarried mothers.....	498
Medical hospitals, etc.....	279
Motor vehicles—operators.....	421
registration	408

	Page
foreign m. v.....	428
passenger	426
within municipality or carrying agr. products.....	424
trucks, commercial & non-commercial.....	422
Optometrists	478
Practical nurses	473
Public warehouse	565
Weighmen public markets.....	377
LIEUTENANT GOVERNOR	
Appropriation	25
LIFE INSURANCE—See Commissioner of Insurance	
Companies & agents, regulating methods, practices, etc.....	350
Policy requirements other than standard forms, valuations.....	353
LIGNITE	
Mine operators to furnish farmers or their agents upon call.....	488
LIQUOR—See Alcoholic Beverages	
Advertising barring from interstate mails, etc., petitioning.....	655
Municipal stores, permitting (const'l amend'ts proposed).....	135
LIVESTOCK—See Appropriations, Resolutions	
Title to vest in sales ring until bill of exchange, etc. duly paid.....	378
Weighmen at public markets, licensing.....	377
LIVESTOCK SANITARY BOARD	
Appropriation	65
LOCOMOTIVES	
Sound warnings at public highway crossings.....	489
McLEAN COUNTY	
Appropriation, reimbursement.....	42
MACHINERY	
Supply depot for repairs of tractors, engines, farm mach'y, automobiles, fire fighting equip't to be maintained within state....	504
MAPS	
Irrigation district proposed to be filed with petition.....	594
Reorganization of school districts, boundaries.....	174
MARINES—See Military, Veterans	
MATERNITY—See Child Welfare	
Homes for unmarried mothers licensing, supervision, etc.....	498
MAYVILLE STATE TEACHERS COLLEGE	
Appropriation	102
MEMORIAL DAY	
Sale alcoholic beverages on, prohibited.....	19
MEMORIALS	
Community & recreational centers, playground, etc. may be established as.....	449
Counties, cities, etc. may join in erection.....	144
Legislative assembly, misc.	656-683

	Page
MILITARY	
Appropriation	34
Armories, construction, misc.....	69
County veterans service officer, appointment.....	379
" " " " salary & expenses.....	380
Discharge papers, recording etc. without charge	381
Employment preference, N. D. vets	382
Graves N. D. servicemen buried in N. D., registration record.....	383
Minority disability removal vets and spouses	384
N. D. National Guard, composition, enlistments, etc.....	385
Post war rehabilitation reserve fund tax levy	137
MILL & ELEVATOR ASSOCIATION—See Board of Auditors.	
Appropriation	107
Annual audit	529
MINERALS—See Mines & Mining.	
Rights privilege tax, levy & collection, distribution.....	543
MINES & MINING	
Appropriation	50
Mine operators to furnish lignite to farmers	488
Minors under 18 unemployable in mining industry.....	386
Safety rules & enforcement by state coal mine inspector.....	387
Salary state coal mine inspector.....	387
MINING EXPERIMENT STATION	
Conveyance of premises to city of Hebron.....	527
MINORS—See Mines & Mining	
Drivers license may be issued, when.....	420
Sale alcoholic beverages to, unlawful.....	14
Vets & spouses, removal minority disability.....	384
MINOT STATE TEACHERS COLLEGE	
Appropriation	103
MISSOURI RIVER—See Resolutions.	
Development, urging support.....	670
Missouri-Souris project, urging construction.....	640
MOTOR CARRIERS—See Motor Vehicles.	
Common, special & contract, regulating.....	490
Farmers, etc. hauling own goods, exemptions.....	491
MOTOR FUEL—See Taxation.	
Appropriations	66-67
Tax records, destruction, certain, by state auditor.....	544
refund for agri. & industrial purposes.....	618
rules & regulations.....	546
MOTOR REGISTRATION FUND	
Appropriations reimbursement	67
MOTOR VEHICLES—See Motor Carriers, Public Utilities.	
Appropriations	67-68
Accidents & damage claims, financial responsibility owners & operators, etc.	388
Application for registration, contents.....	408
Defining dealer in	409

	Page
persons disqualified for drivers licenses, reciprocity, revocation, re-instatement	410
Distance between trucks following one another.....	413
Duplicate plates, title certificate or registration card, fee.....	414
Highway patrolmen, appointment, removal, duties.....	415
Interstate vehicle fees.....	417
Length limitations	418
License, operators, tests for	419
operators, term & fees.....	421
fees, commercial & non-commercial trucks.....	422
within municipality or used for agr. purposes.....	424
passenger vehicles.....	426
Qualifications school bus drivers.....	427
Registration fee exemption, reciprocity.....	428
disabled veterans exemption.....	431
School bus, meeting or overtaking, duty to stop.....	431
Speed limitations.....	436
Tax exemption vehicles within municipal limits & out-of-state.....	437
Unsatisfied judgment fund, payment certain judgments.....	432
 MUNICIPAL CORPORATIONS—See Counties, Motor Vehicles, Taxa- tion.	
City bond issues, purposes & specific limitations.....	265
employees pension fund tax levy limitations.....	438
treasurer triplicate receipts, duplicate filed auditor.....	439
war emergency fund, transfer to general fund.....	440
Counties & townships, claims against.....	268
Liquor stores permitting cities & villages to own, etc. (const'l amd. proposed).....	135
Memorials, may be erected jointly with counties.....	144
Municipal bonds, election, vote required.....	269
irrepealable tax	270
private sale to U. S. or state agency.....	271
replacement public bldgs., vote required, board of review.....	272
Municipal utilities, establishment, construction, etc.....	440
powers, enactment of ordinances.....	442
Park commissions, yea & nay vote, when, letting contracts, debt limit, bills, claims & demands.....	443
Public recreation system, establishment.....	445
works project, federal or state, etc.....	449
Special assessment by special assessment commission.....	450
improvement expenses, powers municipalities.....	452
warrants, refunding callable funding bonds.....	453
Special improvement assessments deficiency tax levies.....	454
Surplus municipal utilities fund, transfer to general or other fund	455
Village marshal, appointment by trustees.....	456
officers, when elected, combining offices.....	456
Voters registration	457
 NAMES	
Certain federal or related names, etc. prohibited.....	153
 NATIONAL GUARD—See Adjutant General, Appropriations, Const'l Amendments, proposed & disapproved.	
Appropriation	34
Armories, construction at Bowman, Harvey, Langdon, Linton Oakes & Wishek	69

	Page
Compensation, enlistment, qualifications.....	385
Field training at Camp Grafton.....	671
Graves N. D. members armed forces, registration.....	383
NOMINATIONS—See Elections	
Regulating	229
NORTH DAKOTA—See Appropriations, Bank of N. Dak., Firemen's Ass'n, Mill & Elevator Ass'n, Resolutions.	
Aeronautics commission, creating duties, etc.....	1
Medical center fund tax levy (const'l amend't proposed).....	136
Official bird	530
song	529
tree	530
Research foundation, appropriation.....	78
NOTICE	
Annual township meetings	581
Continuation agricultural fair tax.....	7
Creditors, estates	370
Disability determination, workmen's comp. bureau.....	612
Elections ind. school district	165
Failure to satisfy judgment, motor vehicle liability.....	388
Flood irrigation projects	589
General election	237
Hearing financing special assess't warrants	603
Irrigation district organization, election.....	597
Motor vehicle fuel tax.....	546
Primary election.....	239
Public buildings, replacement.....	273
Reorganization of school districts.....	168
Sales tax determination	566
NURSES	
Practical, regulating practice.....	473
OFFICES & OFFICERS	
Vacancies public offices & causes.....	480
OLD AGE ASSISTANCE—See Public Welfare	
Recovery from person liable for support.....	502
" " recipient's estate, payments of last illness & fune- al expenses of spouse.....	503
OLD AGE & SURVIVOR INSURANCE	
Establishing system.....	505
OPTOMETRY	
Regulating practice.....	478
PARDONS & PAROLES	
Appropriation	34
Board of, general powers.....	151
PARKS & PARK DISTRICTS	
Park commission, nay & yea vote, when letting contracts, debt limit, etc.....	443
Public recreation system, powers to establish, etc.....	445

	Page
PENALTIES	
Aeronautics	6
Alcoholic beverages, sales minors, etc.....	14
consumption, etc. in automobile.....	17
Births out of wedlock or with deformities, failure to report.....	497
Chiropractic hospitals	463
City or village construction fund, unlawful withdrawals.....	567
Employing minors under 18 in mining industry.....	386
Fireworks, supervised public display, sale.....	279
Garbage, etc. deposited on highway.....	290
Insecticide, fungicide, rodenticide & other economic poisons.....	256
Insurance rates, casualty	317
fire and other property.....	342
Lignite for farmers, etc., failure to supply, etc.	488
Maternity homes un-married mothers.....	501
Motor vehicles—drivers license revocation, false statements.....	411
Failure to stop meeting or overtaking school bus.....	431
Revised fee schedules within municipality or transporting agri- cultural products	425
Names, certain federal & related, misuse.....	153
Practical nurses	477
Sales tax	557
Sound warnings by locomotives at public highway crossings.....	489
Supply depot of repairs for tractors, engines, machinery.....	504
PENITENTIARY—See Crimes & Punishments	
Appropriations.....	37, 108, 111, 112, 116, 152
PENSIONS—See Fire Depts.	
Minor children of John E. Crites, pension payment.....	43
PLAY GROUNDS—See Recreational System.....	445
POLITICAL PARTY—See Elections	
Separate primary election ballot for each.....	241
POST WAR REHABILITATION	
Appropriations.....	121, 122
Reserve fund tax levy (Const'l amend't—proposed).....	137
(" " " —disapproved).....	621
POULTRY IMPROVEMENT BOARD	
Appropriation	70
PRACTICAL NURSES	
Regulating practice.....	473
PRECINCT COMMITTEEMEN	
Ballot for, form & contents.....	240
PREDATORS	
Payment predatory animal certificates by state auditor.....	264
PRESIDENTIAL ELECTORS	
Appropriation	43
PRIMARY ELECTION—See Elections	
PRINTING	
Publication legal notices.....	482

	Page
Session laws, etc.....	483
Summons, number of publications.....	367
PROCEDURE—See Judicial Procedure	
PROPERTY—See Land Comm'r	
Descent of, where death before testator descendants of devisee or legatee take.....	536
Public lands patent where person dies before patent issues.....	198
Trade mark, registration.....	484
PSYCHOPATHIC HOSPITAL	
Urging location & construction in North Dakota.....	680
PUBLIC HEALTH DEPARTMENT—See Child Welfare, Public Welfare	
Appropriation	71
Reorganization	279
PUBLIC INSTRUCTION—See Schools, State Sup't of Public Instruc- tion	
PUBLIC SERVICE COMMISSION	
Appropriations.....	30, 31, 73, 74, 75
Commissioners, payment 1945-46 expenses.....	492
" " 1947-48 "	493
Electric supply, etc. lines, raising & lowering on moving bldgs.....	486
Examiners, appointment.....	487
Mine operators to furnish lignite to farmers.....	488
Motor carriers, common, special & contract, regulating.....	490
" " exemptions farmers, etc. hauling own goods.....	491
Railroads, clearance of obstructions on railroads.....	485
locomotive sound warnings public highway crossings.....	489
PUBLIC UTILITIES—See Public Service Comm'n	
PUBLIC WAREHOUSES	
Storage companies, licensing & bonding as.....	585
PUBLIC WELFARE—See Child Welfare, Children	
Appropriation	75
Aid to dependent children, definition & eligibility.....	494
Births out of wedlock & births with congenital deformities, report....	496
Burial indigent deceased, duty of counties.....	276
Maternity homes for unmarried mothers, licensing & supervision....	498
Old age assistance, recovery from person liable for support.....	502
" " " " " recipient's estate, payment of last illness & funeral expenses of spouse.....	503
PUBLIC WORKS	
Project, federal or state, establishment, etc.....	449
RAILROADS—See Public Service Commission	
RECIPROCITY	
Exchange, etc. insane, feeble-minded, epileptic persons.....	297
Income tax.....	541
Motor vehicle registration fee.....	428
RECREATION CENTER	
Public recreation system, municipality, park district, school dis- trict, establishment.....	445

	Page
REFERRED MEASURES	
Disapproved:	
Valuation basis for computing tax.....	622
To be submitted June 29, 1948:	
Labor relationships, unions or other associations strikes, etc., reg- ulating	372
Right to work not to be denied on acc't labor organization mem- bership	376
REFUNDS	
Appropriations — Miscellaneous.....	44
Moneys erroneously paid to general fund.....	44
REPAIRS	
Tractors, automobiles, engines, farm machinery, fire equip't etc., supply depot to be maintained by manufacturers.....	504
REPEALS	
Aeronautics, regulating	1
Agr. credit corp's liquidation investments.....	123
Board of administration	526
Budget	24
County judge, decedent's bank stock.....	129
Fire & tornado fund	325
Health council	279
Insecticide, fungicide, rodenticide, regulation	248
Maternity homes, unmarried mothers.....	498
Motor vehicle, claims, reports, etc.	388
National guard composition	385
Publication primary election notice	239
School lands, sale procedure	201
Supreme court, district court terms	360
rules, briefs, etc.	366
Township equalization board, posting notice.....	581
Vocational rehabilitation, acceptance	222
Wild life conserv. project, filing fees	265
RESEARCH FOUNDATION, N. D.	
Appropriation	78
RESOLUTIONS	
Air transportation Duluth to Seattle	627
Appreciation Gen'l Pick, Col. Wanamaker & people of Garrison, courtesies Garrison dam tour	628
Appreciation Gen'l Pick, Col. Wanamaker & people of Garrison, courtesies Garrison dam tour	629
Box car supply & distribution—control removal	630
Bush, C. G.—commendation for courageous acts	631
City of Bismarck—congratulation 75th birthday	632
Constitutional amendments— (See pages 134-140)	
Family income division for tax purposes	633
Farm crops—90% parity floor	634
Flax price differential (1946) payment	635
Foot & mouth disease—control	637
Gilbertson, G. A.—appreciation meritorious public service	638
Gummed annotations Rev. code 1943—distribution	639
Heart river & other portions Missouri Souris project—construction	640
Highway funds—extension federal aid availability	641

	Page
Legislature—bills & resolutions record system	643
chambers & committee rooms—improvement	644
committee room—rental downtown	645
committees—revised codes for	645
electric roll call system, house—approval & acceptance	646
electric voting system, senate—authorizing	646
employees & salaries	647
memorial hall for dances	649
journal completion	650
legislative work	650
record of senate & house bills	651
janitor service	652
legislative research committee—membership	652
official photographer, house	654
senate	655
Liquor advertising—barring from interstate mails, etc.	655
Memorials—	
Adams, John J.	656
Arnold, Horace F.	657
Barnes, Ira A.	657
Erickson, Oscar E.	658
Hamilton, David Henry	659
Handley, W. S.	660
Hanley, J. M.	661
Thatcher, William A.	662
Topp, Otto	663
Worst, John H.	664
Adams, J. J.	665
Arnold, Horace F.	665
Barnes, Ira A.	665
Erickson, Oscar E.	665
Frazier, Lynn J.	667
Hamilton, D. H.	667
Handley, W. S.	667
Hanley, J. M.	667
Kaldor, Theodore	667
Thatcher, William A.	667
Topp, Otto	667
Worst, John H.	667
Adams, J. J.	667
Armstrong, Henry A.	667
Arnold, Horace F.	667
Bolkan, C. P.	667
Butler, P. H.	667
Carlson, C. F.	667
Dahl, J. A.	667
Dahl, Samuel L.	667
Doyle, J. J.	667
Ehr, John	667
Elhard, George	667
Ellingson, Lars	667
Erickson, Oscar E.	667
Fedje, Benjamin J.	667
Ferris, Fred	667
Flannagan, W. J.	667
Gainor, Malachi	667
Hagen, Oscar	667
Haines, Frank J.	667
Hammond, C. B.	667
Hanley, J. M.	667
Harvey, John L.	667
Hawkinson, N. W.	667
Hendrickson, Henry	667
Henrikson, J. H.	667
Johnson, John A.	667
Kaldor, Theodore	667
Kjos, J. J.	667
Langedahl, L. S.	667
Lemieux, D.	667
Levin, Aaron	667
McDowell, Hugh	667
McGill, John	667
Miller, J. C.	667
Opland, Ole H.	667
Owens, W. G.	667
Pierce, J. Dexter	667
Rait, Robert	667
Rinde, N. H.	667
Rose, George	667
Sand, Paul	667
Sanderson, Laura B.	667
Schurr, Fred J.	667
Shiple, D. E.	667
Strutz, Gustave	667
Symington, Earl	667
Thompson, J. N.	667
Tweten, J. T.	667
Ueland, Lars A.	667
Wadson, Robert	667
Missouri river development—support	670
National guard field training Camp Grafton	671
Private truck carrying agricultural products—reclassification	672
Roosevelt memorial park in Bad Lands—creation	673
Rudolf, Samuel and Mrs.—congratulations upon marriage.....	674
Rural electrification throughout U. S.—continuance	675
State school of science—acceptance land conveyed by Wahpeton Chamber of Commerce	676

	Page
Wahpeton Chamber of Commerce land transfer, appreciation and thanks	677
Thatcher, William A.—payment of salary	678
Thatcher, William A.—funeral expenses	678
Veterans—Indian veterans—removal of U. S. restrictions	679
N. D. submarginal lands—homestead for veterans rehabilitation.....	680
Psychopathic hospital—location in N. D.	680
Watt, William & Mrs.—congratulations upon 50th wedding anniversary	681
Wheat bonus (1945)—urging payment	682
RETAIL SALES TAX	
Collection & distribution.....	547
ROOSEVELT MEMORIAL PARK	
Creation, petitioning.....	673
RURAL ELECTRIFICATION	
Throughout U. S., urging continuance.....	575
SAFETY	
Engineer, appointment etc. by workmen's compensation bureau.....	613
Fireworks, prohibiting sale—supervised public display.....	277
Rules & enforcement by state coal mine inspector.....	387
SAILORS—See appropriations, Military, Veterans	
SALES RINGS	
Title to livestock vests in, until bill of exchange, etc. duly paid.....	378
Weighmen at, licensing.....	377
SALES TAX	
Collection & distribution.....	547
SCHOOL FOR THE BLIND—See Public Welfare	
Appropriation	91
SCHOOL FOR THE DEAF	
Appropriation	93
SCHOOLS—See Appropriations, Higher Education, Veterans	
Appropriations.....	45, 46, 47
Com. School districts, board members, compensation etc.....	161
clerks, duties, report, etc.....	162
employment teachers, etc.....	163
minimum term.....	164
Indep't school districts, election.....	165
payment city treasurer.....	166
Renewal teachers contract.....	166
Reorganization school districts.....	168
School building construction plan requirements.....	181
bus drivers, qualifications.....	427
" equipment purchase.....	274
lunch program, non-profit.....	182
Second grade elementary certificate, granting.....	184
Transportation, optional with board.....	186
High school tuition, foreign state.....	187
County agric. & training school, joint mtce.....	188

	Page
Revenue producing institutional buildings—construction.....	189
" " " " "—bonds.....	195
Scholarship, orphans World War I & II Veterans.....	196
Public lands patent, effect where person dies before issue.....	198
School lands, conveyance grant & non grant lands.....	198
leasing & sale.....	200
sale procedure original grant lands.....	201
sale of stumpage Garrison dam area.....	204
State equalization emergency fund, expenditures.....	205
maximum financial effort.....	211
payments teacher unit basis.....	212
Teachers insurance & retirement fund, annuities.....	214
assessments.....	215
employer contribution.....	216
withdrawal, death, refunds.....	218
Vocational education, acceptance fed'l act, custodian, state board....	219
rehabilitation disabled, acceptance, etc.....	222
SECRETARY OF STATE	
Appropriations.....	25, 26
Member highway patrol hearing board.....	415
N. D. Session laws, publication, copyright.....	483
supreme court reports to be purchased by.....	365
SECURITIES COMMISSION	
Appropriation.....	35
Securities exempt from supervision of issue & sale.....	141
SEED DEPARTMENT	
Appropriation.....	78
SEED FARM, STATE	
Land purchase & construction of seed building etc.....	87
SHERIFF—See Counties, Crimes & Punishments	
Duties in commitment & transfer to state or veteran's admin. hospital.....	295
SOCIAL SECURITY	
Old age & survivor insurance system, establishing.....	505
Unemployment comp'n admin. fund.....	524
SOIL CONSERVATION COMMITTEE OR DISTRICTS	
Appropriation.....	79
SOLDIERS—See Appropriations, Military, Veterans	
SOLDIERS HOME	
Appropriation.....	110
SPECIAL ASSESSMENTS—See Municipal Corporations, Taxation, Teachers Insurance & Retirement Fund	
STATE AUDITOR—See Appropriations	
Appropriations.....	26, 56, 66
Auto transportation fund, transfer highway operating fund.....	118
Gasoline tax records, destruction old.....	544
Motor vehicle fuel tax refunds, administers.....	618
" " " " " claims, duties.....	545
" " " " rules & regulations.....	546

	Page
Predatory animal certificate, payment.....	264
Retail sales tax fund, monthly transfers.....	561
State equalization fund transfer to state hail insurance fund.....	119
Teachers insurance & retirement fund, transmits assessments.....	217
STATE BONDING FUND	
Appropriations.....	49, 50
Premiums waived, continuing plan for reserve fund mtce.....	299
STATE BUDGET BOARD—See Appropriations	
Appropriation	35
State budget director, appointment, etc.....	531
STATE COAL MINE INSPECTOR & SAFETY WORK—See Mines & Mining	
Appropriation	50
STATE EMERGENCY COMMISSION	
Appropriation	51
STATE EQUALIZATION FUND—See Schools	
Appropriation	52
STATE EXAMINER	
Appropriation	35
Bank of North Dakota, annual examination & report by.....	124
Firemen's relief Ass'n, " " & " ".....	124
Unemployment compensation administration fund, examination not required	524
STATE FARM	
Appropriations.....	111, 112
STATE FIRE & TORNADO FUND—See Comm'r of Insurance	
Appropriation	53
Assessments, rates, loss payments, etc.....	325
STATE HAIL INSURANCE—See Comm'r of Insurance.	
Appropriation	58, 119
Additional coverage	345
Adjustment of claims.....	347
Levy & collection indemnity tax.....	348
STATE HISTORICAL SOCIETY	
Appropriations	61, 62
STATE INSTITUTIONS (Shown under respective names)	
Business & Industrial—See Appropriations, Banks & Banking, Board of Auditors	
Bank of North Dakota.....	Appropriation 90
Mill & Elevator Association, N. D.....	" 107
Charitable & penal—See Board of Administration, Const'l Amend't, proposed, Insane, Schools.	
Blind, School for.....	Appropriation 91
Capitol building.....	" 32, 92
Deaf, School for.....	" 93
Grafton, State School.....	" 94, 96, 97
Hospital for the Insane.....	" 105-107
Penitentiary	" 108
State Training School.....	" 112, 114

	Page
Higher educational—See Const'l Amend't, proposed, Board of Higher Education, Schools.	
Agricultural College.....	99-101
Dickinson State Teachers College.....	102
Ellendale Normal & Industrial School.....	101
State School of Science.....	101
" " " Forestry.....	102
Mayville State Teachers College.....	102
Minot " " ".....	103
Valley City State Teachers College.....	103
University	98
STATE LABORATORY DEPT.—See Laboratory Dept.	
STATE OFFICERS	
Constitutional, salary & travel expense (Const'l amend't prop.).....	139
STATE SCHOOL OF FORESTRY	
Appropriation	101
STATE SCHOOL OF SCIENCE	
Appropriation	102
Acceptance of land conveyed by Wahpeton Chamber of Commerce	676
Appreciation & thanks to Wapeton Chamber of Commerce.....	677
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—See Board of Administration, Higher Education, Schools.	
Appropriations	28, 29
Health council, advisory aid by.....	280
Second grade elementary certificate, duties.....	185
State committee reorganization school districts, member.....	169
STATE TRAINING SCHOOL—See State Institutions.	
Appropriations	112, 114
STATE TREASURER—See Appropriations.	
Appropriations	26, 27
Auto transportation fund, transfer.....	118
Bond premium payments, quadruple receipts.....	299
Motor vehicle liability security, to be deposited with.....	394
Old age & survivor insurance fund, custodian.....	506
Retail sales tax fund, monthly transfers.....	561
Unemployment compensation admin. fund, special add'l bond levy	525
SUBSIDY	
Beer and alcoholic beverage dealers prohibited.....	20
SUCCESSION	
Descent of property in case of death before testator descendants of devisee or legatee take.....	536
Public land patent, effect where person dies before issue.....	198
SUPREME COURT—See Courts.	
Appropriation	25
SURETY	
Joint control over money & assets of fiduciary.....	275
TAXATION—See Appropriations, Counties, Municipal Corp'ns, Schools.	
Estate tax, collections & refunds.....	537

	Page
Marshal, appointment by trustees	456
Officers, when elected, combining offices.....	456
VITAL STATISTICS	
Births out of wedlock or with congenital deformities, etc. report.....	496
Births, unmarried mothers, report by maternity home.....	498
VOCATIONAL EDUCATION	
Appropriations	36
Acceptance federal act, custodian, state board, etc.	219
Rehabilitation disabled persons, acceptance, etc.	222
WAREHOUSING—See Public Service Comm'n	
Storage companies, licensing & bonding as public warehouses.....	585
WATERS	
Appropriation	85
Existing drains, repairs by county comm'rs	586
Flood irrigation projects, hearing, notice, review assesments, etc.....	589
Irrigation districts, bonds, refunding or paying outstanding bonds, organization	593
Water conservation districts, secretary, board powers, tax.....	600
WEIGHTS & MEASURES	
Inspection weighing & measuring devices, fees.....	605
Licensing weighmen at public markets.....	377
WELFARE—See Public Welfare.	
WHEAT	
1945 bonus, urging payment	682
WILD LIFE—See Game, Fish & Predators.	
Conservation project, repeal filing & recording fees.....	265
WIVES AND WIDOWS—See Social Security.	
WORDS & PHRASES—See Definitions.	
WORKERS—See Labor & Labor Organizations.	
WORKMENS COMPENSATION	
Appropriation	86
Definitions, premium payments, claims & compensation, reciprocity	607
Investment of funds, bureau.....	611
Jurisdiction, bureau	612
Safety engineer, appointment	613
Weekly wage determination.....	615
veteran-on-the-job-training	616