

LAWS

PASSED AT

The Thirty-third Session

OF THE

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

**BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, JANUARY SIXTH, 1953, AND
CONCLUDING FRIDAY, MARCH SIXTH, 1953**

Published under Legislative Authority

by

THOMAS HALL

Secretary of State

Bismarck, North Dakota

AUTHENTICATION

STATE OF NORTH DAKOTA Department of State, Bismarck

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies, except clerical errors, of the original enrolled bills and resolutions passed at the Thirty-third Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 6, 1953, and terminating Friday, March 6, 1953, also of the Constitutional Amendments submitted at the primary election held June 24, 1953.

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, 1953.

(Seal)

THOMAS HALL,
Secretary of State

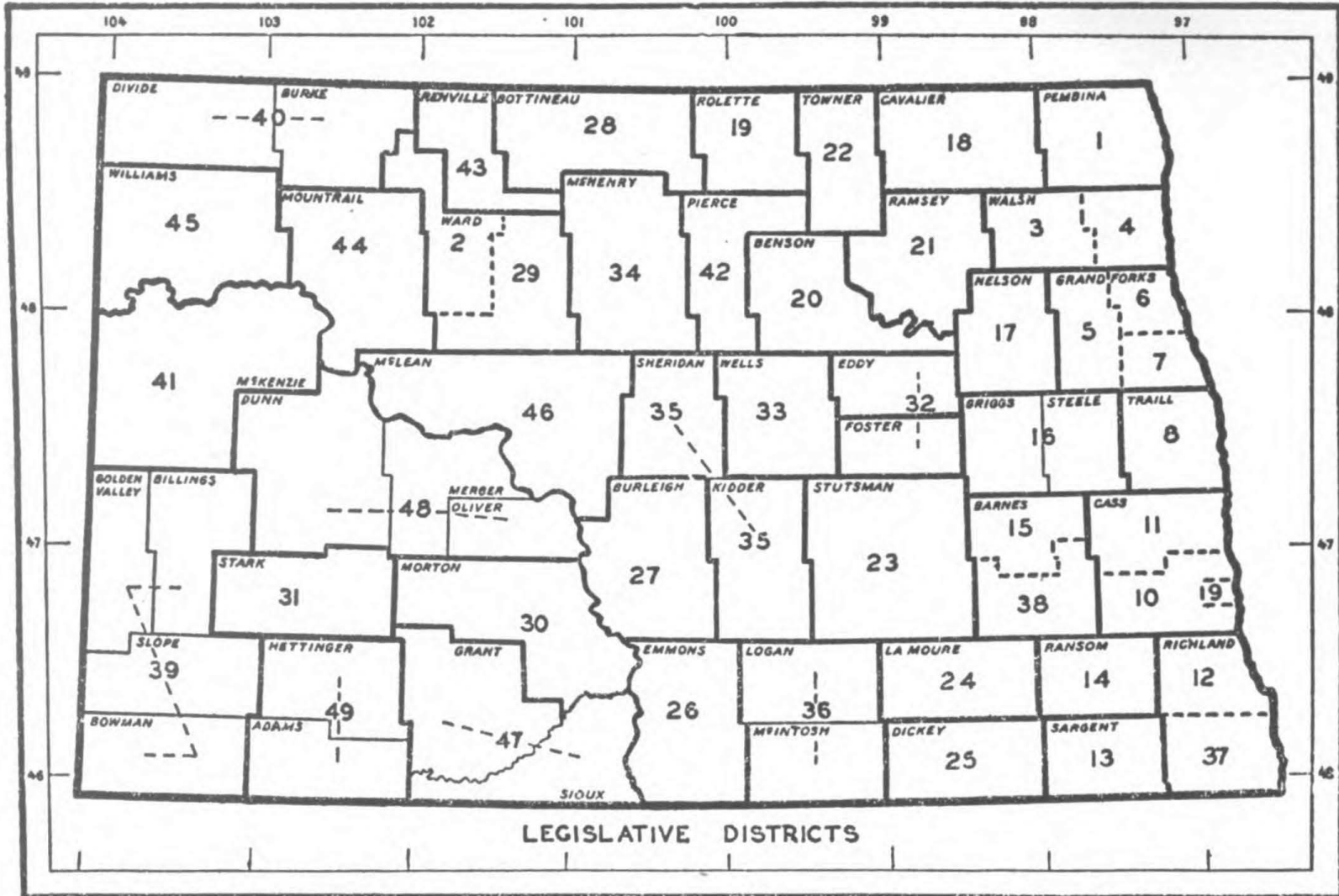
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NORTH DAKOTA



LEGISLATIVE DISTRICTS

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State of North Dakota, January 6, to March 6, 1953

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Secretary—Edward Leno, Tuttle, N. D.

Dist.	County	Name	Address
1.	Pembina	Franklin Page	Hamilton
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3.	Pt. Walsh	Mrs. Harry O'Brien	Park River
* 4.	Pt. Walsh	Rilie R. Morgan	Grafton
5.	Pt. Grand Forks	Oliver Bilden	Northwood
* 6.	Pt. Grand Forks	Carroll E. Day	Grand Forks
7.	Pt. Grand Forks	J. B. Bridston	Grand Forks
* 8.	Traill	Harvey B. Knudson	Mayville
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* 10.	Pt. Cass	Kennth K. Pyle	West Fargo
11.	Pt. Cass	Harry W. Wadeson	Alice
* 12.	Pt. Richland	A. W. Luick	Fairmount
13.	Sargent	Gilman A. Klefstad	Forman
* 14.	Ransom	Agnes Kjorlie Geelan	Enderlin
15.	Pt. Barnes	P. L. Foss	Valley City
16.	Griggs-Steele	L. A. Sayer	Cooperstown
17.	Nelson	Arlie I. Ferry	Lakota
* 18.	Cavalier	Hugh J. Work	Langdon
19.	Rolette	Philip A. Berube	Belcourt
* 20.	Benson	Orris G. Nordhougen	Leeds
21.	Ramsey	Clyde Duffy	Devils Lake
* 22.	Towner	H. B. Baeverstad	Cando
23.	Stutsman	R. E. Meidinger	Jamestown
* 24.	LaMoure	A. J. Sandness	LaMoure
25.	Dickey	Alfred Welander	Fullerton
* 26.	Emmons	S. C. Thomas	Linton
27.	Burleigh	Milton Rue	Bismarck
* 28.	Bottineau	Duncan Fraser	Omeme
29.	Pt. Ward	Ernest C. Livingston	Minot
* 30.	Morton	W. H. Klusmann	New Salem
31.	Stark	Amos Freed	Dickinson
* 32.	Eddy-Foster	C. W. Schrock	New Rockford
33.	Wells	R. M. Streibel	Fessenden
* 34.	McHenry	Emil Torno	Towner
35.	Kidder-Sheridan	John Davis	McClusky
* 36.	McIntosh-Logan	Ed. Haag	Fredonia
37.	Pt. Richland	Nick Schmit, Jr.	Wyndmere
* 38.	Pt. Barnes	Philip J. Sauer	Sanborn
39.	Billings, Bowman, Golden Val'y & Slope	Gust Wog	Belfield
* 40.	Burke-Divide	Ralph Dewing	Columbus
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Chief Clerk—V. L. Gilbreath, Bismarck

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		Albert Christopher	Pembina
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2.	Pt. Ward	Walter Dahlund	Kenmare
		Palmer Levin	Park River
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		Wilfred Collett	Grafton
4.	Pt. Walsh	Howard Bye	Gilby
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		Mortimer A. Wilk	Fargo
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		Donald Hawk Crothers	Fargo
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		Oscar Solberg	Mylo
20.	Benson	C. H. Hofstrand	Leeds
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		Nels Overbo	Hampden
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		Roy A. Holand	LaMoure
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		Ed N. Davis	Monango
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		Adam Gefreh	Linton

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V

Dist.	County	Name	Address
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		M. E. Vinje	Bottineau
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		C. W. Baker	Minot
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		I. E. Bratcher	Mott

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APPROPRIATIONS

CHAPTER 1

S. B. No. 183
(Morgan, Streibel, Luick and Schrock)

ARMORY CONSTRUCTION

AN ACT

Making an appropriation for the construction of armories in North Dakota, and providing for the manner of disbursing said funds, repealing Chapter 60 of the 1947 Session Laws of North Dakota, and declaring an emergency.

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

§ 1.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred thousand dollars for the construction of armories in the state of North Dakota for the use and occupancy of federally recognized units of the North Dakota National Guard.

§ 2.) The appropriation 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, in collaboration with federal funds as may be provided under Public Laws 783, 81st Congress, 2nd session, Chapter 945, approved September 11, 1950, and/or city funds as may be provided by effected cities.

§ 3. REPEAL.) Chapter 60 of the 1947 Session Laws of the State of North Dakota is 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 11, 1953.

CHAPTER 2

S. B. No. 15
(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 28, 1953.

CHAPTER 3

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

STATE MISCELLANEOUS

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$500.00, or so much thereof as may be necessary to pay for the inquest and burial of inmates of penal institutions, erection of headstones for soldiers and sailors, action to release insane patients and list of new taxable lands, for the biennium beginning July 1, 1953, and ending June 30, 1955, provided that any charges against the above appropriation must have the approval of the state auditor and the state auditing board.

Approved February 28, 1953.

CHAPTER 4

H. B. No. 583
(Bourgeois, Brown and Larson)

SPECIAL ASSESSMENTS TO CITY OF BISMARCK

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the state treasury the sum of \$28,337.51, not otherwise appropriated, for the purpose of paying the city of Bismarck special

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

Water Main District No. 93.....	\$ 5,391.66
Street Lighting Improvement District No. 4....	1,006.20
Paving District No. 41.....	11,843.64
Paving District No. 42.....	106.79
Storm Sewer Improvement District Nos. 81, 82 and 83.....	1,170.44
Storm Sewer Improvement District No. 80.....	8,818.78
Total	\$28,337.51

Approved February 19, 1953.

CHAPTER 5

S. B. No. 20
(Committee on Appropriations)

NORTH DAKOTA FIREMEN'S ASSOCIATION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$3,000.00, or so much thereof as may be necessary, to the North Dakota Firemen's Association, for use in promoting regional fire schools, and other activities of such association, as provided for in Section 18-0302 to 18-0309, inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 4, 1953.

CHAPTER 6

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

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

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$8,000.00, or so much thereof as may be necessary to provide funds for the arrest and return of fugitives from justice as provided by Sections 29-3013 and 29-3014 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 28, 1953.

CHAPTER 7

S. B. No. 44
(Legislative Research Committee)

INTERSTATE OIL COMPACT COMMISSION**AN ACT**

Providing for an appropriation for North Dakota's contribution to the Interstate Oil Compact Commission.

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

§ 1. APPROPRIATION.) There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of eight hundred dollars to be contributed to the Interstate Oil Compact Commission for the State of North Dakota.

Approved March 13, 1953.

CHAPTER 8

S. B. No. 166
(Stucke and Nordhougen)

EXTRAORDINARY EXPENSES OF LAW ENFORCEMENT BY
REASON OF FEDERAL AGENCIES

AN ACT

Making an appropriation to meet extraordinary expenses of law enforcement arising by reason of federal agencies.

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 seven thousand five hundred dollars (*Fifteen thousand dollars) to meet extraordinary expenses of law enforcement arising by reason of federal agencies. Application for such funds shall be made to the attorney general, by the county commissioners of the county so applying with the approval of the state's attorney and county auditor of such county, and the application shall be supported by itemized statements of extraordinary expenses incurred in law enforcement activities in such county by reason of such agencies in or adjacent to said county. The attorney general shall have the duty to make such investigation as shall be deemed necessary, and may approve or disapprove or reduce the amount so applied for, and no payment or expenditure of any part of the above sum shall be made without the prior approval by the attorney general of the duly verified voucher presented to the state auditor. This Act shall remain in effect only for one biennium, and any balance remaining in said fund at the end of such biennium shall revert to the general fund.

Approved March 12, 1953.

*Senate journal, page 820, shows that a conference committee report, adopted by the senate, approved an amount of "Fifteen thousand dollars" in lieu of "Seven thousand five hundred dollars."

CHAPTER 9

S. B. No. 8
(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 \$7,000.00, for the biennium beginning July 1, 1953, and ending June 30, 1955, or so much thereof as may be necessary for the purpose of making certain refunds out of the general fund and which is known as the miscellaneous refund account, used for the purpose of refunding money erroneously paid into or credited to the general fund.

Approved March 2, 1953.

CHAPTER 10

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

**DEPARTMENT OF PUBLIC INSTRUCTION
COUNTY AGRICULTURAL SCHOOLS—STATE AID****AN ACT**

Making an appropriation to pay two county agricultural schools on the basis of enrollment.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the State Equalization Fund in the State Treasury the sum of \$42,500.00, or so much thereof as may be necessary to pay two county agricultural schools on the basis of enrollment for the

biennium beginning July 1, 1953, and ending June 30, 1955,
to-wit:

Benson County Agricultural School, Maddock	\$17,500.00
Walsh County Agricultural School, Park River	25,000.00
Total	<u>\$42,500.00</u>

Approved March 13, 1953.

CHAPTER 11

H. B. No. 513
(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 \$31,000.00 for administrative expenses and the sum of \$13,303,000.00 for state aid of the State Equalization Fund, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

STATE EQUALIZATION FUND—ADMINISTRATION	
Salary, Director	\$ 9,600.00
Clerkhire	17,400.00
Postage, Supplies, Printing, Furniture and Fixtures	3,000.00
Travel Expense	1,000.00
Total	<u>\$31,000.00</u>

STATE EQUALIZATION FUND—STATE AID	
Emergency	\$ 650,000.00
Resident, Non-resident and Out-of-State High School Tuition	6,150,000.00
Resident Elementary Aid	4,500,000.00
Resident High School Aid	1,800,000.00
Vocational Agriculture	65,000.00

Vocational Home Economics	80,000.00
Occupational Information and Guidance	15,000.00
Business Education	12,000.00
Total	\$13,272,000.00

Approved March 10, 1953.

CHAPTER 12

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

HIGH SCHOOL CORRESPONDENCE STUDY

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the state equalization fund in the state treasury, the sum of \$200,000.00, or so much thereof as may be necessary for salaries and miscellaneous expenses of the High School Correspondence Study, as provided for in Chapter 15-19 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 12, 1953.

CHAPTER 13

H. B. No. 514
(Committee on Appropriations)

BOARD OF SCHOOL DISTRICT REORGANIZATION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the state equalization fund in the state treasury, not otherwise appropriated, the sum of \$7,200.00, or so much thereof as may be necessary for the maintenance and operation of the Board of School District Reorganization, as provided for in Chapter 147, Session Laws of 1947, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

State and County Committees	\$4,500.00
Clerkhire	2,200.00
Miscellaneous	500.00
	<hr/>
Total	\$7,200.00

§ 2. REVERSION.) Any moneys heretofore appropriated to the Board of School District Reorganization, not expended by July 1, 1953, shall revert to the State Equalization Fund.

Approved March 2, 1953.

CHAPTER 14

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

SPECIAL EDUCATION OF EXCEPTIONAL CHILDREN

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state equalization fund in the state treasury, the sum of \$164,000.00, to be used for the special education of exceptional children under the sole supervision of the Superintendent of Public Instruction, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary of Director	\$14,000.00
Clerkhire and all other general operating expense	150,000.00
Total	\$164,000.00

Approved March 10, 1953.

CHAPTER 15

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

TEACHERS' INSURANCE AND RETIREMENT FUND

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the Teachers' Insurance

and Retirement Fund, the sum of \$53,500.00, for the purpose of operating and maintaining the Teachers' Insurance and Retirement Fund, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Executive Secretary	\$ 9,000.00
Clerkhire	25,000.00
Postage, Supplies, Printing, Furniture and Fixtures	7,000.00
Miscellaneous	1,500.00
Travel Expense	2,500.00
Audit	2,000.00
Actuary	3,000.00
Rent and Maintenance	3,000.00
Old Age and Survivor Insurance System.....	500.00
Total	\$3,500.00

Approved March 6, 1953.

CHAPTER 16

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

DIVISIONS OF VOCATIONAL REHABILITATION AND VOCATIONAL EDUCATION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the State Equalization Fund in the State Treasury, the sum of \$115,000.00, or so much thereof as may be necessary for the vocational rehabilitation of disabled persons, to be matched with federal funds; (all administrative expenses, including salaries, travel, office supplies, etc., are paid 100% from federal funds), and the sum of \$1,500.00, or so much thereof as is necessary for Vocational Education, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 14, 1953.

CHAPTER 17

H. B. No. 512
(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 \$105,150.00, or so much thereof as may be necessary for salaries and general expenses for the Attorney General Licensing Department as provided for in Section 53-0607 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Clerkhire and Inspectors	\$ 67,000.00
Postage, Supplies, Printing, Furniture and Fixtures	4,500.00
Miscellaneous	1,500.00
Travel Expense	26,000.00
Hearing Expense	5,000.00
Old Age and Survivor Insurance System.....	1,000.00
Refund	150.00
 Total	 \$105,150.00

Approved March 10, 1953.

CHAPTER 18

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

STATE AUDITOR—GASOLINE TAX DIVISION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Motor Vehicle Fuel Taxes collected under Section 57-4106 of the North Dakota Revised Code of 1943, not otherwise appropriated, the sum of \$146,000.00, or so much thereof as may be necessary, to be set aside in the state treasury, for the purpose of defraying the expenses of the maintenance and operation of the Gasoline Tax Division in the office of the state auditor, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Clerkhire	\$ 94,560.00
Postage, Supplies, Printing, Furniture & Fixtures	15,000.00
Miscellaneous	2,000.00
Travel Expense	18,000.00
Emergency	15,000.00
Old Age & Survivor Insurance System.....	1,440.00
 Total	 \$146,000.00

Approved February 14, 1953.

CHAPTER 19

H. B. No. 528
 (Committee on Appropriations)

STATE BONDING FUND

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the moneys in the State Bonding Fund in the state treasury, the sum of \$20,430.00, or so much thereof as may be necessary to maintain and operate the State Bonding Fund of the State of North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries	\$10,100.00
Postage, Supplies, Printing, Furniture & Fixtures	4,000.00
Miscellaneous	500.00
Investigations and Travel.....	3,000.00
Emergency	500.00
Transfer to General Fund (Reimbursement to General Fund for General Fund Appropriation for Assistant Attorney General's Salary)	1,680.00
Old Age and Survivor Insurance System	150.00
Examination Fee	500.00
Total	\$20,430.00

Approved March 12, 1953.

CHAPTER 20

H. B. No. 501
(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.) Th sums hereinafter named only or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, to the credit of each department, subdivision and public school hereinafter named and the balance necessary out of the General Fund, except as hereinafter named and the balance necessary out of the General Fund, except as hereinafter specifically provided, not otherwise appropriated, for the purpose specified in the following sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.) Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1, 1953, and ending June 30, 1955, to-wit:

§ 3. APPROPRIATIONS.)

Subdivision 1.

EXECUTIVE OFFICE

Salary, Governor	\$ 18,000.00
Clerkhire:	
Secretary and other Employees.....	23,130.00
Postage, Supplies, Printing, Furniture and Fixtures	2,500.00

Miscellaneous	1,800.00
Travel Expense	3,000.00
Governor's Contingent	5,000.00
Council of State Governments.....	4,000.00
Old Age & Survivor Insurance System	270.00
Total	\$ 57,700.00

Subdivision 2.

LIEUTENANT GOVERNOR

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

Subdivision 3.

SUPREME COURT

Salary, 5 Judges of Supreme Court	\$100,000.00
Clerk of Supreme Court	9,000.00
Judges Stenographer Secretaries	33,000.00
Postage, Supplies, Printing, Furniture & Fixtures	3,000.00
Miscellaneous	700.00
Travel Expense	750.00
Old Age & Survivor Insurance System	715.00
Retirement of Supreme Court Judges	14,000.00
Total	\$161,165.00

Subdivision 4.

SUPREME COURT REPORTER AND LAW LIBRARIAN

Salary	\$ 8,000.00
Postage, Supplies, Printing, Furniture & Fixtures	1,000.00
Miscellaneous	500.00
Purchase of Books, Law Reviews, etc.	7,500.00
Publishing North Dakota Reports	11,000.00
Total	\$ 28,000.00

Subdivision 5.

JUDGES OF DISTRICT COURTS

Salary, 15 Judges	\$240,000.00
Expenses	18,000.00
Retirement of District Judges	18,000.00
Total	\$276,000.00

Subdivision 6a.

SECRETARY OF STATE

Salary, Secretary of State	\$ 10,000.00
Salary, Deputy	9,600.00
Clerkhire	32,400.00
Legislative Assistance	1,000.00
Postage, Supplies, Printing, Furniture & Fixtures	11,000.00
Miscellaneous	970.00
Travel Expense	750.00
Register of Deeds Recording Fees	600.00
Old Age & Survivor Insurance System	780.00
Total	\$ 67,100.00

Subdivision 6b.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	\$ 900.00
1953 Session Laws and Supplement	26,500.00
Vote Tabulation Form	1,000.00
Postage, Publicity Pamphlet	6,000.00
Binding Public Documents	3,200.00
Publicity Pamphlet	16,500.00
Notary Public & Contractor's License Forms & Related Printing	500.00
Total	\$ 54,600.00

Subdivision 7.

STATE AUDITOR

Salary, State Auditor	\$ 10,000.00
Salary, Deputy	9,600.00
Clerkhire	45,015.00
Postage, Supplies, Printing, Furniture & Fixtures	6,000.00

Miscellaneous	1,100.00
Travel Expense	1,000.00
Supplies for Departments & Counties	1,200.00
Oleomargine Stamps	8,000.00
New Machine	3,000.00
Old Age & Survivor Insurance System	985.00
Total	\$ 85,900.00

Subdivision 8a.

STATE TREASURER

Salary, State Treasurer	\$ 10,000.00
Salary, Deputy	9,600.00
Clerkhire	47,500.00
Postage, Supplies, Printing, Furniture & Fixtures	6,000.00
Miscellaneous and Bond Premiums	4,200.00
Travel Expense	600.00
Old Age & Survivor Insurance System	800.00
Total	\$ 78,700.00

Subdivision 8b.

STATE TREASURER—LIQUOR CONTROL

Clerkhire	\$ 12,800.00
Postage, Supplies, Printing, Furniture & Fixtures	1,500.00
Miscellaneous	670.00
Travel Expense	2,000.00
Liquor Stamps	16,000.00
Old Age & Survivor Insurance System	180.00
Total	\$ 33,150.00

Subdivision 9a.

COMMISSIONER OF INSURANCE

Salary, Commissioner	\$ 10,000.00
Salary, Deputy	9,600.00
Salary, Actuary	14,400.00
Salary, Assistant Actuary	8,000.00
Clerkhire	30,400.00
Postage, Supplies, Printing, Furniture & Fixtures	12,000.00
Miscellaneous	1,700.00

Travel Expense	4,000.00
Investigation of Unauthorized Companies	1,500.00
Domestic Examiners (1)	12,000.00
Convention Examiners (2)	30,000.00
I. B. M. Installation and Supplies	7,500.00
Old Age & Survivor Insurance System	750.00
Total	<u>\$141,850.00</u>

Subdivision 9b.

**STATE FIRE MARSHAL
(COMMISSIONER OF INSURANCE)**

Salary, Deputy Fire Marshals	\$ 16,000.00
Clerkhire	6,000.00
Postage, Supplies, Printing, Furniture & Fixtures	1,200.00
Miscellaneous	500.00
Travel Expense	8,000.00
Fees to Fire Chiefs	900.00
Arson Hearing Fund	2,000.00
Old Age & Survivor Insurance System	350.00
Total	<u>\$ 34,950.00</u>

Subdivision 10.

ATTORNEY GENERAL

Salary, Attorney General	\$ 15,000.00
Salary, Assistant Attorneys General	61,400.00
Clerkhire	24,240.00
Postage, Supplies, Printing, Furniture & Fixtures	6,000.00
Miscellaneous	2,400.00
Travel Expense	6,500.00
Library	2,000.00
Miscellaneous Court Cases	7,500.00
Old Age & Survivor Insurance System	1,000.00
Total	<u>\$126,040.00</u>

Subdivision 11a.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary, Superintendent	\$ 10,800.00
Salary, Deputy	9,600.00
Clerkhire	100,600.00

Commodity Man	5,280.00
Travel Expense	10,500.00
Postage, Supplies, Printing, Furniture, Fixtures & Freight.....	40,000.00
Courses of Study & Bulletin No. 5	14,000.00
High School & Eighth Grade Examination ...	15,000.00
Teachers' Meetings	1,500.00
Correcting Papers	1,500.00
Miscellaneous	2,400.00
Old Age & Survivor Insurance System	1,200.00
Teachers' Retirement	1,400.00
Total	\$213,780.00

Subdivision 12a.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary, Commissioner	\$ 10,000.00
Salary, Deputy (Labor)	9,600.00
Salary, Deputy (Dairy)	9,600.00
Clerkhire	107,470.00
Postage, Supplies, Printing, Furniture & Fixtures	25,000.00
Miscellaneous	3,430.00
Travel Expense	38,000.00
Hearings	1,000.00
Auto Exchange	1,200.00
Old Age & Survivor Insurance System	1,882.00
Total	\$207,182.00

Subdivision 12b.

DEPARTMENT OF AGRICULTURE AND LABOR
PREDATORY ANIMAL AND RODENT CONTROL

Predatory Animal and Rodent Control	\$ 72,000.00
Emergency (to be made available immediately on passage)	3,000.00
Total	\$ 75,000.00

Subdivision 12c.

**DEPARTMENT OF AGRICULTURE AND LABOR
RUST CONTROL**

Barberry Eradication, Nursery Inspection and Quarantine Enforcement	\$ 12,000.00
Total	\$ 12,000.00

Subdivision 12d.

**DEPARTMENT OF AGRICULTURE AND LABOR
ATHLETIC COMMISSION**

Secretary Salary	\$ 1,200.00
Commission Expense	1,000.00
Total	\$ 2,200.00

Subdivision 13a.

PUBLIC SERVICE COMMISSION

Salary, Commissioners (3)	\$ 23,200.00
Clerkhire	137,200.00
Postage, Supplies, Printing, Furniture & Fixtures	8,000.00
Miscellaneous	3,500.00
Travel Expense	10,000.00
Workmen's Compensation	250.00
Handling Interstate Commerce Commission Cases	14,000.00
Cases before Federal Power Commission and Federal Communications Commission	2,500.00
National Association of Railroad and Utilities Commissioners	1,800.00
Research Data	750.00
Old Age and Survivor Insurance System	1,800.00
Total	\$203,000.00

Subdivision 13b.

**PUBLIC SERVICE COMMISSION
ELEVATOR DEPARTMENT**

Clerkhire	\$ 20,000.00
Postage, Supplies, Printing, Furniture and Fixtures	2,000.00
Miscellaneous	500.00

Travel Expense and Car Exchange	4,000.00
Workmen's Compensation	20.00
Old Age and Survivor Insurance System	325.00
Total	\$ 26,845.00

Subdivision 13c.

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

Salary, Chief Inspector	\$ 9,000.00
Clerkhire	44,490.00
Postage, Supplies, Printing, Furniture & Fixtures	2,500.00
Miscellaneous	2,250.00
Travel Expense	25,000.00
License Plates, Scales, Etc.	3,500.00
Field Testing Equipment	3,500.00
Refunds	125.00
Workmen's Compensation	165.00
Trucks and Maintenance	12,000.00
Old Age and Survivor Insurance System.....	750.00
Total	\$103,280.00

Subdivision 13d.

**PUBLIC SERVICE COMMISSION
UTILITY VALUATION**

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

Subdivision 14.

AERONAUTICS COMMISSION

Salary, Director	\$ 10,000.00
Commissioners' Per Diem and Clerkhire	18,200.00
Travel Expense	6,500.00
Supplies, Postage and Sign Fixtures	3,000.00
Fixed Charges, Maintenance and Miscellan- eous	6,175.00
Maintenance and Parts for Statewide Beacon Light System (Airports must pay for all services and repairs provided)	3,000.00
New State Airplane trade-in	7,300.00
Old Age and Survivor Insurance System.....	325.00
Total	\$ 54,500.00

Subdivision 15.

LAND COMMISSIONER

Salary, Commissioner	\$ 10,800.00
Clerkhire	72,200.00
Postage, Supplies, Printing, Furniture and Fixtures	7,500.00
Miscellaneous	800.00
Travel Expense	15,000.00
Leasing	2,500.00
Premium on Bonds	500.00
Surveying	1,000.00
Fieldmen's Salary	27,000.00
Total	<u>\$137,300.00</u>

Subdivision 16

TAX COMMISSIONER

Salary, Tax Commissioner	\$ 12,000.00
Salary, Deputy	10,000.00
Clerkhire—inclues Office Force, Deputies and Field Auditors	380,000.00
Postage, Supplies, Printing, Furniture and Fixtures	120,000.00
Miscellaneous	7,000.00
Travel Expense, Field Auditors	55,000.00
Travel Expense, Department General	2,000.00
Revenue Stamps	27,000.00
Old Age and Survivor Insurance System	5,750.00
Total	<u>\$618,750.00</u>

Subdivision 17.

BOARD OF ADMINISTRATION OR ITS SUCCESSOR

Salary, Chairman and Members	\$ 28,800.00
To supplement salaries of new members appointed to the Board of Administration at not to exceed \$6,000.00 per year for each new member at the discretion of the Governor	7,200.00
Other Employees	283,800.00
Capitol Maintenance	136,484.00
Postage, Supplies, Printing, Furniture & Fixtures	5,420.00
Postage Due	500.00
Improvements and Repairs	16,400.00

Miscellaneous	8,950.00
Old Age and Survivor Insurance System.....	4,250.00
Travel Expense	4,000.00
Equipment—Yard	1,500.00
Administration of State Radio Broadcasting System	67,000.00
New Well	10,000.00
Microfilm Equipment, Reader, and Film En- larger	10,000.00
Total	\$584,304.00

Subdivision 18.

STATE SEED DEPARTMENT

Seed Analyst	\$ 10,000.00
Assistant Seed Analysts	20,000.00
Travel Expense	1,000.00
Postage, Supplies, Printing, Furniture and Fixtures	4,000.00
Miscellaneous	500.00
Total	\$ 35,500.00

Subdivision 19.

STATE INDUSTRIAL COMMISSION

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

Subdivision 20.

STATE LIBRARY COMMISSION

Salary, Director	\$ 8,400.00
Clerkhire	46,750.00
Postage, Supplies, Printing, Furniture and Fixtures	5,500.00
Miscellaneous	750.00
Travel Expense	2,000.00
Aid to Libraries	500.00
Books, Binding and Repair	12,000.00
Old Age and Survivor Insurance System.....	750.00
Total	\$ 76,650.00

Subdivision 21.

STATE PRINTER

Salary, State Printer	\$ 9,600.00
Clerkhire	5,000.00
Postage, Supplies, Printing, Furniture and Fixtures	800.00
Miscellaneous	185.00
Travel Expense	300.00
Old Age and Survivor Insurance System.....	165.00
Total	<u>\$ 16,050.00</u>

Subdivision 22a.

ADJUTANT GENERAL

Salary, Adjutant General	\$ 10,000.00
Salary, Assistant Adjutant General	9,600.00
Clerkhire	18,700.00
Postage, Supplies, Printing, Furniture and Fixtures	2,000.00
Miscellaneous	400.00
Travel Expense	400.00
For Payment, Employers Share of Social Security Benefits, National Guard Civilian Employees	13,000.00
Total	<u>\$ 54,100.00</u>

Subdivision 22b.

NATIONAL GUARD OR STATE GUARD

Maintenance of the National or State Guard..	\$189,400.00
Total	<u>\$189,400.00</u>

Subdivision 23.

LEGISLATIVE RESEARCH COMMITTEE

Legislative Research	\$ 40,000.00
Total	<u>\$ 40,000.00</u>

Subdivision 24.

34TH LEGISLATIVE ASSEMBLY

Mileage and Per Diem, Members	\$ 60,000.00
Per Diem, Employees	60,000.00

Printing	60,000.00
For deficiency on 33rd Legislative Printing (To be made available immediately on passage)	6,000.00
Miscellaneous	12,000.00
Expense, Members	100,000.00
Janitor Service	3,000.00
Total	\$301,000.00

Subdivision 25.

PARDON BOARD

Salary, Secretary	\$ 600.00
Salary, Members and Expense	750.00
Investigations	1,000.00
Total	\$ 2,350.00

Subdivision 26.

STATE BUDGET BOARD

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

Subdivision 27.

STATE BUDGET DIRECTOR

Salary Budget Director and Clerkhire	\$ 16,200.00
Travel and Maintenance Expense	3,000.00
Office Equipment	400.00
Miscellaneous	500.00
Technical Advice	5,000.00
Total	\$ 25,100.00

Subdivision 28.

REWARD FOR APPREHENSION OF CRIMINALS

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

Subdivision 29a.

STATE EXAMINER

Salary, State Examiner	\$ 10,000.00
Clerkhire	171,500.00
Postage, Supplies, Printing, Furniture and Fixtures	5,000.00
Miscellaneous	1,800.00
Travel Expense	56,000.00
State Banking Board, Section 6-0103, North Dakota Revised Code of 1943.....	500.00
State Credit Union Board, Section 9, Chapter 143, Session Laws of 1945	500.00
Old Age and Survivor Insurance System	1,500.00
Total	<u>\$246,800.00</u>

Subdivision 29b.

STATE SECURITIES COMMISSIONER

Salary, Commissioner	\$ 4,800.00
Clerkhire	2,400.00
Postage, Supplies, Printing, Furniture and Fixtures	1,200.00
Miscellaneous	500.00
Travel Expense	750.00
Investigations	250.00
Total	<u>\$ 9,900.00</u>

Subdivision 30.

STATE BOARD OF HIGHER EDUCATION

Salary, Commissioner	\$ 18,000.00
Salary, Auditor	8,200.00
Other Employees	11,000.00
Postage, Supplies, Printing, Furniture and Fixtures	2,100.00
Miscellaneous	935.00
Travel Expense	2,000.00
Members, Per diem	6,500.00
Members, Travel	6,500.00
Total	<u>\$ 55,235.00</u>

Subdivision 31.

State Commission on alcoholism. Salaries and expenses	\$ 15,000.00
Total	<u>\$ 15,000.00</u>
Grand Total	<u>\$4,482,571.00</u>

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

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

Approved March 12, 1953.

CHAPTER 21

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

STATE EXAMINER—CLOSED BANK FUND

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the closed bank fund in the state treasury, the sum of \$4,000.00, or so much thereof as may be necessary to carry out the provisions of Chapter 6-07 of the 1947 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 14, 1953.

CHAPTER 22

S. B. No. 5
(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 \$21,925.00, or so much thereof as is necessary to pay salary, clerkhire, per diem and general expenses of the coal mine inspector and for coal mine safety work as provided for in Chapters 38-03 and 38-04 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Inspector	\$ 9,600.00
Clerkhire	5,400.00
Postage, Supplies, Printing, Furniture and Fixtures	1,500.00
Miscellaneous	400.00
Travel and Auto Expense	2,500.00
Examining Board	225.00
Auditing Board	300.00
Coal Mine Safety Fund, Services	1,000.00
Coal Mine Safety Fund, Expenses	1,000.00
 Total	 \$21,925.00

Approved March 14, 1953.

CHAPTER 23

S. B. No. 6
(Committee on Appropriations)

EMERGENCY COMMISSION—STATE CONTINGENCY FUND

AN ACT

Making an appropriation to provide a State Contingency Fund to be placed at the disposal of the State Emergency Commission and to be used as provided by Sections 54-1601 to 54-1604, inclusive, and 54-1606, and also Section 54-1609 of the North Dakota Revised Code of 1943.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$500,000.00, or so much thereof as may be necessary to provide funds for the state emergency commission, including the payment of per diem and expenses to the legislative members of the commission, and which fund shall be known as the state contingency fund and be for the purposes authorized under Section 54-1601 to 54-1604, inclusive, and 54-1606 and also Section 54-1609 of the North Dakota Revised Code of 1943, and for civil defense, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 4, 1953.

CHAPTER 24

H. B. No. 527
(Committee on Appropriations)

STATE FIRE AND TORNADO FUND

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the moneys in the state fire and tornado fund in the state treasury, the sum of \$90,580.00, or so much thereof as may be necessary to maintain and operate the state fire and tornado fund of the State of North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries	\$25,900.00
Postage, Supplies, Printing, Furniture and Fixtures	4,500.00
Miscellaneous	3,500.00
Risk Inspection and Travel	15,000.00
Premium Refunds, Fire	4,000.00
Premium Refunds, Extended Coverage	1,000.00
Adjusting Expense	34,000.00
Transfer to General Fund (Reimbursement to General Fund for General Fund Appropria- tion for Assistant Attorney General's Sal- ary)	1,680.00
Old Age and Survivor Insurance System.....	500.00
Examination Fee	500.00
Total	\$ 90,580.00

Approved March 7, 1953.

CHAPTER 25

S. B. No. 22
 (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 and declaring an emergency.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of moneys in the state treasury in the game and fish fund, not otherwise appropriated, the sum of \$823,616.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the game and fish department, and in carrying out the provisions and purposes of all game laws imposing duties or conferring powers on the game and fish commissioner, for the biennium beginning July 1, 1953, and ending June 30, 1955, and for the establishment of the Baldhill development revolving fund, to-wit:

Administration:

1. Salary, Commissioner	\$ 10,000.00
2. Salary, Deputy Commissioner	9,600.00
3. Clerkhire	22,660.00
4. Travel	8,000.00
5. General and Audit	29,400.00

Game Management: (Federal Matching)..... 100,000.00

Game Management: Federal Matching. (This appropriation to become available immediately upon passage) 50,000.00

Enforcement:

1. Salaries	166,000.00
2. Travel	104,556.00
3. General	10,000.00

Fish Management:

1. Salaries	48,400.00
2. Travel	20,000.00
3. General	28,000.00
4. Dingell-Johnson Matching	25,000.00

Land Management:	
1. Salaries	16,800.00
2. Travel	4,000.00
3. General	6,000.00
Public Relations:	
1. Salaries	35,000.00
2. Travel	10,000.00
3. General	35,000.00
Dam Construction	25,000.00
Emergency	50,000.00
Baldhill Development Revolving Fund.....	10,000.00
License Refunds	200.00
Total	\$823,616.00

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

Approved March 12, 1953.

CHAPTER 26

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

WOLF, COYOTE, FOX, BOBCAT AND MAGPIE BOUNTY

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$100,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves, coyotes, foxes and bobcats as provided in Chapter 20-13 of the North Dakota Revised Code of 1943, as amended by Chapter 183 of the 1945 Session Laws and magpies as provided in Chapter 20-14 of the North Dakota Revised Code of 1943, as amended by Chapter 186 of the 1945 Session Laws.

Approved March 12, 1953.

CHAPTER 27

S. B. No. 23
 (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 \$310,000.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the State Geological Survey, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries	\$179,000.00
Clerkhire	32,300.00
Postage, Supplies, Printing, Furniture and Fixtures	22,000.00
Miscellaneous	2,000.00
Travel Expense	30,500.00
Apparatus	10,500.00
New Cars	13,700.00
Storage and Building	20,000.00
 Total	 \$310,000.00

Approved March 6, 1953.

CHAPTER 28

H. B. No. 526
(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 \$380,700.00, or so much thereof as may be necessary for the operation, maintenance and expenses of the State Hail Insurance Department of the State of North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Manager	\$ 10,200.00
Clerkhire	90,000.00
Salary, Inspectors and Adjusters	40,000.00
Travel, Inspectors and Adjusters	35,000.00
Travel, Office	7,700.00
Postage, Supplies, Printing, Furniture and Fixtures	18,000.00
Listing Fees	75,000.00
Annual Audit.....	7,000.00
Advertising	5,000.00
Legal Publication	100.00
Legal Service	300.00
Miscellaneous	2,500.00
Emergency	85,000.00
Old Age and Survivor Insurance System.....	2,500.00
Transfer to General Fund (Reimbursement to General Fund for General Fund Approp- riation for Assistant Attorney General's Salary.)	2,400.00
Total	\$380,700.00

Approved March 7, 1953.

CHAPTER 29

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

STATE HAIL INSURANCE DEPARTMENT, DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in the Operating Fund of the State Hail Insurance Department for the period beginning January 1, 1953 and ending June 30, 1953, and declaring an emergency.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the State Hail Insurance Department Fund in the State Treasury the sum of \$66,000.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the Operating Fund of the State Hail Insurance Department for the period beginning January 1, 1953, and ending June 30, 1953, as follows:

Re-Payment of loan from State Contingency	
Fund	\$ 26,125.00
Clerkhire	27,500.00
Salary—Inspectors and Adjusters	3,000.00
Travel—Inspectors and Adjusters	2,525.00
Travel—Office	2,250.00
Postage, Supplies, Printing, Furniture & Fixtures	3,000.00
Old Age & Survivors Insurance	600.00
Emergency	1,000.00
	<hr/>
Total	\$ 66,000.00

§ 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 17, 1953.

CHAPTER 30

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

STATE HIGHWAY DEPARTMENT

AN ACT

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

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

§ 1. APPROPRIATION FOR ADMINISTRATIVE EXPENSE.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, and accruing from the "Motor Registration Fund" as created by Section 39-0467 of the North Dakota Revised Code of 1943, the sum of \$200,000.00, or so much thereof as may be necessary, for the purpose of defraying the expenses of administration and operation of the division of the state highway department known as the highway division, and in carrying out the provisions and purposes of the state highway department law and cooperating with the federal government under the Act of Congress known as the "Federal Highway Act," for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, State Highway Commissioner to be fixed by the Governor, not exceeding.....	\$ 20,000.00
General Operating Expense	180,000.00
Total	<u>\$200,000.00</u>

§ 2. ADDITIONAL APPROPRIATION FOR ADMINISTRATION EXPENSES.) In addition to the amount hereinbefore appropriated there is hereby appropriated out of said Highway Construction Fund, and the State Highway Department is hereby authorized on proper requisition to transfer, and to have transferred to the operating fund from the moneys allocated to the State Highway Department out of the Motor Vehicle Registration Fund, a sum not to exceed three per cent of the cost of construction, reconstruction, maintenance and all other work undertaken in whole or in part from federal, county and state funds to cover additional cost of administration of said department.

§ 3. ADDITIONAL APPROPRIATION FOR MAINTENANCE AND CONSTRUCTION.) In addition to the above amounts allowed for

office and administrative expenses of said department, there is hereby appropriated out of any funds available to the State Highway Department, not otherwise appropriated, such part thereof as may be necessary to expend during said biennium period for the construction, reconstruction and maintenance of public roads, including necessary expenses of labor, equipment and other costs and expenses allowed by statute and required for such construction, reconstruction and maintenance.

Approved March 12, 1953.

CHAPTER 31

H. B. No. 786

(Link, Beede, Rudolf, Freadhoff and Siverson)

PUBLIC HIGHWAYS AND BRIDGES—MATCHING
FEDERAL FUNDS

AN ACT

Making an appropriation of \$3,500,000.00 for the purpose of matching federal funds allocated or to be allocated to the State of North Dakota for the purpose of construction and reconstruction of the public highways and bridges within the state.

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

§ 1. APPROPRIATION.) There is hereby appropriated and transferred from any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$3,500,000.00 to the highway special construction fund for the purpose of matching federal funds now available and to be made available by acts of Congress in force and to be enacted, in the form of grants to the state in the aid of construction and reconstruction of public highways and bridges within the state, including federal highways and bridges.

Approved March 14, 1953.

CHAPTER 32

S. B. No. 29
(Committee on Appropriations)

STATE HIGHWAY PATROL

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the highway patrol fund in the state treasury, not otherwise appropriated, the sum of \$624,675.00, or so much thereof as is necessary for the operation, maintenance, equipment, supplies, outfitting of patrolmen, travel and miscellaneous expenses for the highway patrol branch of the state highway department, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Superintendent	\$ 10,000.00
Salary, Assistant Superintendent	9,000.00
Salary, Patrolmen	312,000.00
Clerks, Bookkeepers and I. B. M.	25,000.00
Postage, Supplies, Printing, Furniture & Fixtures	18,000.00
Miscellaneous	15,000.00
Travel Expense	82,000.00
New Equipment	10,000.00
Training School and First Aid	1,500.00
Educational Program	4,000.00
Car Operation, Maintenance and Replacement	135,000.00
Audit	2,500.00
Old Age and Survivor Insurance System	375.00
Refunds	300.00
Total	\$624,675.00

Approved March 10, 1953.

CHAPTER 33

H. B. No. 732
(Link, Rolfsrud, Poling)
(Hafner, Mollet and Rohde)

YELLOWSTONE RIVER BRIDGE, DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in the appropriation for the construction of a bridge across the Yellowstone River in McKenzie County, North Dakota, on Highway 23.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of highway construction funds the sum of \$367,700.00 for the purpose of paying a deficiency in the appropriation to match grants from the federal government, which are now available or which may hereafter become available for such purpose, for the construction of a bridge across the Yellowstone River in McKenzie County, North Dakota, on Highway 23 in said McKenzie County, North Dakota, in accordance with and supplementary to the provisions of Chapter 34 of the 1949 Session Laws.

Approved March 10, 1953.

CHAPTER 34

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

STATE HISTORICAL SOCIETY AND STATE PARKS

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$115,990.00 or so much thereof as may be necessary for salary, clerkhire and miscellaneous expenses for the state historical society and for maintenance of state parks in the sums hereinafter set forth, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

STATE HISTORICAL SOCIETY

Salary, Superintendent	\$ 9,600.00
Clerkhire	30,300.00
Postage, Supplies, Printing, Furniture & Fixtures	6,000.00
Miscellaneous	900.00
Travel Expense	1,200.00
Museum	1,800.00
Books and Periodicals	1,200.00
Old Age and Survivor Insurance System	590.00
Historical and Archeological Field Work.....	3,000.00
Microfilm Equipment, Machine, Film Reader, Film Enlarger	6,500.00
Total	\$ 61,090.00

STATE PARKS COMMITTEE

Technical and Clerical Service	\$ 2,000.00
Office Supplies	300.00
Miscellaneous	700.00
Travel Expense	1,200.00
Maintenance and Operation of North Dakota Parks	30,000.00
International Peace Garden	8,000.00

Development and Maintenance of Historic Sites	3,000.00
Whitestone Hill State Park	1,700.00
Purchase of Park Maintenance Equipment.....	5,000.00
Camp Hancock Historic Site	3,000.00
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Total	\$ 54,900.00
Grand Total	\$115,990.00

Approved March 14, 1953.

CHAPTER 35

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

NORTH DAKOTA INDIAN AFFAIRS COMMISSION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$20,000.00, or so much thereof as may be necessary for the purpose of carrying out the provisions of Chapter 324, Session Laws of 1949, for the biennium beginning July 1, 1953, and ending June 30, 1955. Expenditures shall be made upon voucher signed by the secretary of the commission.

Approved March 6, 1953.

CHAPTER 36

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

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 \$443,900.00, or so much thereof as may be necessary to pay salaries, operation, maintenance, general and miscellaneous expenses for the State Laboratories Department, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Director	\$ 10,000.00
Salary, Food Commissioner and Chemist.....	14,000.00
Clerkhire	288,800.00
Postage, Supplies, Printing, Furniture, Fix- tures, Freight, Dray and Express	55,000.00
Miscellaneous	8,000.00
Travel Expense	45,000.00
Samples	2,000.00
Rent	7,200.00
Telephone and Telegraph	1,900.00
Ice, Gas, and Electricity	2,500.00
Library	1,200.00
Workmen's Compensation	500.00
Cost of Auditing	2,500.00
Refunds	500.00
Old Age and Survivor Insurance System.....	4,800.00
Total	\$443,900.00

Approved March 12, 1953.

CHAPTER 37

H. B. No. 852
 (Committee on Appropriations)

LEGISLATIVE ASSEMBLY, ADDITIONAL PER DIEM

AN ACT

Making an additional appropriation for the per diem-employees of the Thirty-Third Legislative Assembly, and declaring an emergency.

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

§ 1. **APPROPRIATION.)** There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated the sum of \$10,000.00, in addition to the amount already appropriated, for the Per Diem-Employees of the Thirty-Third Legislative Assembly, to-wit:

Per Diem-Employees	\$ 10,000.00
Total	<u>\$ 10,000.00</u>

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

Approved March 6, 1953.

CHAPTER 38

H. B. No. 650
 (Committee on Appropriations)
 (At the request of the Board of Administration)

LIBERTY MEMORIAL BUILDING

AN ACT

Making an appropriation for rebuilding the roof of the Liberty Memorial Building on the state capitol grounds.

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 to the

Board of Administration, not otherwise appropriated, the sum of forty thousand dollars or so much thereof as is necessary for rebuilding the roof on the liberty memorial building on the state capitol grounds.

Approved March 2, 1953.

CHAPTER 39

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

LIVESTOCK SANITARY BOARD

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$368,800.00, or so much thereof as is necessary, to pay the operating and maintenance expenses of the Livestock Sanitary Board, and for the expenses and indemnifying owners of animals, to the Bangs Disease Fund and to the Bovine Tuberculosis Fund, for the biennium beginning July 1, 1953, and ending June 30, 1955, in the sums hereinafter named only, to-wit:

LIVESTOCK SANITARY BOARD

Salary, Executive Officer & State Veterinarian	\$ 16,000.00
Clerkhire	15,000.00
Postage, Supplies, Printing, Furniture and Fixtures	2,000.00
Miscellaneous	1,200.00
Services & Expenses Board's Agents	30,000.00
Compensation & Expense Board Members.....	1,600.00
Workmen's Compensation	1,000.00
Old Age and Survivor Insurance System.....	2,000.00
Total	<u>\$ 68,800.00</u>

**BANGS DISEASE FUND AND
BOVINE TUBERCULOSIS FUND**

Miscellaneous Expenses	\$300,000.00
Total	\$300,000.00
Grand Total	\$368,800.00

Approved March 4, 1953.

CHAPTER 40

S. B. No. 108
(Committee on Appropriations)

LIVESTOCK SANITARY BOARD

AN ACT

Making an appropriation to the Livestock Sanitary Board for a deficiency in the Bangs Disease and Bovine Tuberculosis Fund; and declaring an emergency.

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

§ 1. **APPROPRIATION.)** There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$40,000.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the Bangs Disease and Bovine Tuberculosis Fund, for the biennium ending June 30, 1953.

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

Approved March 2, 1953.

CHAPTER 41

S. B. No. 27
(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 \$515,000.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Department of the Registrar of Motor Vehicles, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary	\$ 10,000.00
Clerkhire	185,000.00
75% Operating I.B.M. Machines	90,000.00
Postage, Supplies, Printing, Furniture & Fixtures	120,000.00
Miscellaneous	4,000.00
Travel Expense	3,000.00
License Plates	65,000.00
Refunds	500.00
State Board of Auditor's Fund.....	4,000.00
Emergency	30,000.00
Old Age and Survivor Insurance System.....	3,500.00
 Total	 \$515,000.00

Approved March 10, 1953.

CHAPTER 42

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

OLD AGE AND SURVIVOR INSURANCE SYSTEM

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the Old Age and Survivor Insurance System Fund, not otherwise appropriated, the sum of \$32,605.00, or so much thereof as may be necessary to pay the costs of the administration of the Old Age and Survivor Insurance System, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Personal Services	\$ 22,000.00
Postage, Supplies and Printing	4,225.00
Furniture and Fixtures	800.00
Travel Expense (Intrastate Only)	1,000.00
Miscellaneous	1,000.00
Audit	3,000.00
Old Age and Survivor Insurance System.....	580.00
Total	\$ 32,605.00

Approved February 19, 1953.

CHAPTER 43

H. B. No. 525
(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 \$75,190.00, or so much thereof as may be necessary for the operation, maintenance and miscellaneous expenses of the Poultry Improvement Board, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

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

Approved February 14, 1953.

CHAPTER 44

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

PUBLIC HEALTH DEPARTMENT

AN ACT

Making an appropriation for the operating and maintenance expenses of the Public Health Department.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$370,000.00, or so much thereof as is necessary to pay the salaries, clerkhire and all miscellaneous items and expenses of the Public Health Department and its related agencies, and in collaboration with Federal Funds, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, State Health Officer	\$ 20,000.00
Salary, Other Personnel	230,000.00
Postage, Supplies, Printing	
Furniture and Fixtures	30,000.00
Travel Expense	20,000.00
Merit System	5,000.00
Biologicals	20,000.00
Old Age and Survivor Insurance System.....	5,000.00
Two Tractors and one Generator	8,000.00
Estimated operation of X-ray and Blood Bank	
Units	32,000.00
	<hr/>
Total	\$370,000.00

Approved March 6, 1953.

CHAPTER 45

H. B. No. 515
(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 \$124,535.00, or so much thereof as may be necessary for defraying expenses in operating and maintaining the Auto Transportation Division as provided for in Sections 49-1801 to 49-1805, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Clerkhire	\$ 69,000.00
Postage, Supplies, Printing, Furniture and Fixtures	5,000.00
Miscellaneous	1,300.00
Travel Expense	38,000.00
Workmen's Compensation	135.00
Refunds	1,000.00
Clerkhire, Postage, Supplies, Printing, Furni- ture and Fixtures, to be used for an addi- tional licensing of motor vehicles carrying property	9,000.00
Old Age and Survivor Insurance System.....	1,100.00
Total	<u>\$124,535.00</u>

Approved March 12, 1953.

CHAPTER 46

S. B. No. 195
(Dewing, Duffy, Streibel)

EXPENSES PUBLIC SERVICE COMMISSIONERS

AN ACT

Providing for the payment of expenses of public service commissioners, and declaring an emergency.

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

§ 1.) Any public service commissioner whose term of office expires prior to 1958 shall receive until the expiration of his present term in office, the sum of seventeen hundred dollars as reimbursement of expenses incurred in the discharge of his official duties, which sum shall be in addition to the annual salary to which he is entitled under law, and which expenses are to be paid monthly on the warrant of the state auditor without the filing of any itemized voucher or statement.

§ 2. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of ten thousand two hundred dollars, or so much thereof as may be necessary to carry out the provisions of this Act during the period beginning January 1, 1953, and ending December 31, 1957.

§ 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, 1953.

CHAPTER 47

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

PUBLIC SERVICE COMMISSION
LIVESTOCK DEALERS DIVISION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Livestock Dealers Fund in the state treasury, the sum of \$18,985.00, or so much thereof as may be necessary for salaries and expenses of the Livestock Dealers Division as provided for in Sections 36-0401 to 36-0421, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Clerkhire	\$ 12,000.00
Postage, Supplies, Printing, Furniture and Fixtures	1,200.00
Miscellaneous	120.00
Travel Expense	5,200.00
Workmen's Compensation	35.00
Refunds	250.00
Old Age and Survivor Insurance System.....	180.00
 Total	 \$ 18,985.00

Approved February 14, 1953.

CHAPTER 48

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

PUBLIC WELFARE BOARD

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$8,644,400.00, or so much thereof as may be necessary, to be expended by the Public Welfare Board in providing public assistance to dependent children and to needy blind and providing child welfare services and services to crippled children, also for providing assistance to the needy aged and general assistance for relief to destitute and necessitous persons, aid to permanently and totally disabled, and for the necessary costs of administration of all of the programs above mentioned, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Assistance Programs:

1. Old Age Assistance	\$5,650,000.00
2. Aid to Dependent Children	1,700,000.00
3. Aid to Blind	130,000.00
4. General Assistance	100,000.00
5. Aid to Permanently and Totally Disabled	600,000.00

Service Programs:

1. Child Welfare Services	35,000.00
2. Crippled Children Services	135,000.00

Administration:

1. Personal Services:	
a. State Office Employees	214,500.00
b. Doctor's Fee for Eye Examinations..	1,200.00

2. Travel Expense	26,000.00
3. Communications	8,800.00
4. Printing and Supplies	16,000.00
5. Equipment:	
a. Rental	1,200.00
b. Repair and Maintenance	1,200.00
c. Purchase	2,500.00
6. Other Operating Expense	3,000.00
7. Board Member, Expense	9,000.00
8. Cost of Merit System Administration....	11,000.00
	\$8,644,400.00

Approved March 10, 1953.

CHAPTER 49

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

NORTH DAKOTA RESEARCH FOUNDATION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$85,000.00, to be used as prescribed by Section 54-3401 to 54-3405, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 14, 1953.

CHAPTER 50

H. B. No. 600
 (Committee on Appropriations)

SECRETARY OF STATE, LEGISLATIVE ASSISTANCE

AN ACT

Making an appropriation for legal and other special assistance in connection with the 33rd Legislative Assembly, and declaring an emergency.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$1,000.00, for the purpose of paying for assistance needed in the office of the Secretary of State arising because of additional activities required to keep Legislative matters pertaining to the 33rd Legislative Assembly current and assist in the preparation of material for the session laws to be published thereafter, to-wit:

Legislative Assistance\$ 1,000.00

§ 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 14, 1953.

CHAPTER 51

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

STATE SEED DEPARTMENT

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Seed Department Fund in the state treasury, the sum of \$643,000.00, or so much thereof as may be necessary for salaries and expenses for the State Seed Department, as provided for in Chapter 4-09, North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Administration	\$ 16,500.00
Deputy Commissioners	45,000.00
Clerks, Stenographers, etc.	44,000.00
Field Supervising Inspectors	16,000.00
Inspectors	175,000.00
Postage, Supplies, Printing, Furniture and Fixtures	14,000.00
Miscellaneous	14,000.00
Advertising and Research	45,000.00
Travel Expense	75,000.00
Test Plots	10,500.00
Tags and Seals	22,000.00
Production and Marketing Administration	12,000.00
Compiling Reports	2,000.00
Automobile	5,000.00
Rent to Agricultural College and Others.....	7,000.00
Emergency	50,000.00
Seed Department New Building	90,000.00
Total	\$643,000.00

Approved March 14, 1953.

CHAPTER 52

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

SOIL CONSERVATION
 COMMITTEE AND DISTRICTS

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$50,000.00, or so much thereof as may be necessary for the purpose of financing the operations of the office of the State Soil Conservation Committee and the activities of the State Soil Conservation Districts, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries	\$ 15,000.00
Office Supplies and Postage	1,500.00
Printing and Stationery	3,500.00
Furniture and Fixtures	300.00
Election Expense	2,000.00
Publication Fees	1,200.00
Labor Expense	6,500.00
Travel Expense	20,000.00
Total	\$ 50,000.00

Approved March 12, 1953.

CHAPTER 53

H. B. No. 559
(Legislative Research Committee)

SOIL RECONNAISSANCE SURVEY AND LAND CLASSIFICATION**. AN ACT**

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the North Dakota Agricultural College in carrying on the first two years of a four-year soil reconnaissance survey and land classification program in order to facilitate the assessment of rural land. This appropriation shall be for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 9, 1953.

CHAPTER 54

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

ELECTED STATE OFFICIALS, SALARIES**AN ACT**

Making an appropriation for the deficiency in salaries of the elected state officials of the State of North Dakota for the last six months of the biennium ending June 30, 1953; 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 \$7,850.00, or so much thereof as may be necessary, for the payment of the deficiency in salaries of the Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Commissioner of Agriculture and Labor, Commissioner of Insurance, and one Public Service Commissioner, for the last six months of the biennium ending June 30, 1953; said appropriation being in the amounts and for the respective state officials as follows:

Governor	\$ 1,500.00
Attorney General	1,250.00
Secretary of State	850.00
State Auditor	850.00
State Treasurer	850.00
Commissioner of Agriculture and Labor	850.00
Commissioner of Insurance	850.00
One Public Service Commissioner	850.00
 Total	 \$ 7,850.00

§ 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 13, 1953.

CHAPTER 55

S. B. No. 9
(Committee on Appropriations)

COMMISSIONER OF VETERANS' AFFAIRS

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Veterans' Aid Fund in the state treasury, not otherwise appropriated, the sum of \$64,440.00, 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 1, 1953, and ending June 30, 1955, to-wit:

Salary, Commissioner	\$ 10,200.00
Salary, Assistant Commissioners	25,000.00
Clerkhire	13,000.00
Postage, Supplies, Printing, Furniture and Fixtures	3,000.00
Light, Telephone and Telegraph	1,200.00
Miscellaneous	600.00
Travel Expense	6,000.00
Rent	4,440.00
Cost of Service Officers' Schools	500.00
Travel, State Advisory Council	500.00
Total	<u>\$ 64,440.00</u>

Approved February 28, 1953.

CHAPTER 56

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

VETERANS' AID COMMISSION

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Veterans' Aid Fund in the state treasury, not otherwise appropriated, the sum of \$15,000.00 or so much thereof as may be necessary for the administrative expenses of the Veterans' Aid Commission, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 28, 1953.

CHAPTER 57

S. B. No. 7
(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 \$790.00, or so much thereof as may be necessary to pay salary, clerkhire, travel and miscellaneous expenses of the State Board of Veterinary Medical Examiners as authorized under Chapter 36-02 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 2, 1953.

CHAPTER 58

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

WATER CONSERVATION COMMISSION—ADMINISTRATIVE
FUND

AN ACT

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

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

§ 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 \$400,000.00, or so much thereof as may be necessary for the payment of all general administration expenses of said commission, compensation of state engineer and expenses of all its employees, maintenance of existing dams, administrative expense of state compacts and for the payment of costs of planning, surveying and preparing water conservation and irrigation projects, or construction, for post-war projects for the purpose of cooperating with the bureau of reclamation, the corps of United States army engineers, the soil conservation service, and any other federal agency, in planning the development of water resources of this state for the beneficial use thereof, which may be matched either in whole or in part by federal or state agencies and governmental subdivisions of the state, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Commissioners, Per Diem and Expenses	\$ 6,000.00
Administration	40,000.00
Maintenance of Dams	100,000.00
International and Interstate, Commissioners' and Conference Expenses	8,000.00
Topographic and Conservation, Cooperation with U. S. Geological Survey	30,000.00

Hydrographic Surveys, Cooperation with U. S.	
Geological Survey	25,000.00
Salary, State Engineer	6,000.00
Engineering and Geological Surveys and Demonstrations	35,000.00
Cooperation with U. S. Departments and for organizing Conservation and Irrigation Districts	50,000.00
Small Projects, Other Investigations, Surveys, etc.	100,000.00
	\$400,000.00
Total	

Approved March 14, 1953.

CHAPTER 59

S. B. No. 76

(Pyle, Luick and Hagen)

(At the request of the State Water Conservation Commission.)

WATER CONSERVATION COMMISSION—CONSTRUCTION,
RECONSTRUCTION OR CLEANING DRAINS

AN ACT

Making an appropriation for the purpose of enabling the State Water Conservation Commission to render assistance on a matching or cooperative basis for the construction, reconstruction or cleaning of drains established for the drainage of lands, and for the construction or reconstruction of facilities for the irrigation of lands in irrigation districts.

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

§ 1. APPROPRIATION.) For the purpose of enabling the State Water Conservation Commission to render assistance on a matching or cooperative basis, in conformity with its rules and regulations, in the construction, reconstruction or cleaning of drains established for the drainage of lands; and for construction or reconstruction of facilities for the irrigation of lands in irrigation districts, there is hereby appropriated to the Commission out of any moneys in the state treasury, not otherwise appropriated, the sum of \$140,000.00, to remain available for the purposes mentioned until expended for the period beginning July 1, 1953 and ending June 30, 1957.

Approved March 13, 1953.

CHAPTER 60

S. B. No. 21
(Committee on Appropriations)

WORKMEN'S COMPENSATION BUREAU

AN ACT

Making an appropriation for the purpose of paying salaries and miscellaneous expenses of the Workmen's Compensation Bureau.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the workmen's compensation fund, not otherwise appropriated, the sum of \$435,940.00, or so much thereof as may be necessary for the purpose of paying salaries and miscellaneous expenses of the workmen's compensation bureau, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salary, Commissioner	\$ 24,000.00
Clerkhire	208,400.00
Postage, Supplies, Printing, Furniture and Fixtures	33,000.00
Miscellaneous	8,000.00
Travel Expense	30,000.00
Automobile, Equipment, and Maintenance	7,000.00
Safety Department	45,900.00
Legal Clerkhire	28,000.00
Legal Expense	4,000.00
Actuary	7,000.00
Medical Director	14,400.00
Department Audit	6,000.00
Garrison Dam, Emergency	15,240.00
Old Age and Survivor Insurance System	5,000.00
Total	\$435,940.00

Approved March 11, 1953.

CHAPTER 61

S. B. No. 26
(Committee on Appropriations)

STATE BOARD OF AUDITORS

AN ACT

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

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

§ 1.) In order to reimburse the State for the expense of making the audits and examinations of industrial and business institutions of the State of North Dakota by the State Board of Auditors as provided for by Chapter 54-13 of the North Dakota Revised Code of 1943, the North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks, the Bank of North Dakota, including the Farm Loan Department, the State Hail Insurance Department, the Workmen's Compensation Bureau of the State of North Dakota, the Coal Mine Inspection Department, the North Dakota Teachers' Insurance and Retirement Fund, the Highway Department, the Motor Vehicle Department, the Highway Patrol, the Game and Fish Department and the State Laboratories, shall immediately upon the effective date of this Act pay to the State Treasurer of the State of North Dakota to the account of the State Board of Auditors and to be deposited by the State Treasurer in a special fund to be known as the "State Board of Auditors Fund" fifty percent (50%) of each of the sums appropriated for each annual audit of each of said departments, and the remaining fifty 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 percent (50%) of the sum set forth for the various institutions and departments, as follows:

North Dakota Mill and Elevator Association,	
Grand Forks	\$ 14,000.00

Bank of North Dakota, including Farm Loan Department	14,000.00
State Hail Insurance Department.....	7,000.00
Workmen's Compensation Bureau	6,000.00
Coal Mine Inspection Department	300.00
Teachers' Insurance and Retirement Fund	2,000.00
State Highway Department	12,000.00
North Dakota Highway Patrol	2,500.00
Game and Fish Department.....	4,000.00
State Laboratories	2,500.00
Old Age and Survivor Insurance System.....	3,000.00
Motor Vehicle Department	4,000.00
Total	\$ 71,300.00

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

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

Approved March 4, 1953.

CHAPTER 62

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

THE BANK OF NORTH DAKOTA

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury in the Bank of North Dakota Fund created by transfer of profits from said institution, and by transfer of proper portions of collections of fees, interest, rents and royalties in the Collection and Land Department of the Bank, the sum of \$714,573.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the

maintenance and operation of the Bank of North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

BANKING DEPARTMENT

Administrative Expenses	\$310,000.00
General Expense	86,500.00
Examination and Legal Expense	24,000.00
Building Maintenance	27,560.00
Emergency, Oil leasing, etc.	75,000.00
Laboratory Building	1,000.00
Old Age and Survivor Insurance System	3,500.00
Total	\$527,560.00

COLLECTION AND LAND DEPARTMENT

Administrative Expense	\$111,400.00
General Expense	18,600.00
Field Supervision:	
1. Fieldmen	6,000.00
2. Travel	8,000.00
Examination and Legal Expenses	24,000.00
Old Age and Survivor Insurance System	2,013.00
Total	\$170,013.00

BURLINGTON PROJECT

Administrative Expense	\$ 7,400.00
General Expense	4,600.00
Emergency	5,000.00
Total	\$ 17,000.00
Grand Total	\$714,573.00

Approved March 12, 1953.

CHAPTER 63

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

SCHOOL FOR THE BLIND

AN ACT

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

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

§ 1. APPROPRIATION FOR THE STATE SCHOOL FOR THE BLIND.)
The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, and miscellaneous items of the School for the Blind at Bathgate, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages	\$100,170.00
1. Teachers' Retirement Fund and Old Age and Survivor Insurance	2,250.00
Operating Expense	41,250.00
Improvements and Repairs	3,500.00
Equipment:	4,000.00
1. New Station Wagon or Car	2,500.00
Miscellaneous Items	1,800.00
 Total	 \$155,470.00

Approved February 19, 1953.

CHAPTER 64

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

SCHOOL FOR THE DEAF

AN ACT

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

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

§ 1. APPROPRIATION FOR THE STATE SCHOOL FOR THE DEAF.)
 The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, and new buildings and special projects of the School for the Deaf at Devils Lake, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salary, Superintendent	\$ 9,600.00
2. Salaries of Faculty and Other Employees	199,937.00
3. Old Age and Survivor Insurance System	2,700.00
4. Teachers Insurance and Retirement	3,300.00
Operating Expenses	116,275.00
Improvements and Repairs	20,000.00
Equipment	11,100.00

New Buildings and Special Projects:

1. Additional work in connection with new Gymnasium	7,500.00
2. Boiler and Power House equipment to be made available immediately	107,100.00

Total\$477,512.00

Approved March 13, 1953.

CHAPTER 65

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

GRAFTON STATE SCHOOL

AN ACT

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

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

§ 1. APPROPRIATION FOR THE GRAFTON STATE SCHOOL.) The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous items, and new buildings and special projects for the Grafton State School at Grafton, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salaries	\$844,416.00
2. Old Age and Survivor Insurance System	11,400.00
3. Teachers Retirement	3,600.00
Operating Expense	668,500.00
Improvements and Repairs	36,900.00
Equipment	71,200.00

Miscellaneous Items:

1. Land Rentals	17,000.00
2. Purchase Real Estate	80,000.00

New Buildings and Special Projects:

1. Superintendent's Dwelling	25,000.00
2. Staff Cottages (2)	25,000.00
3. Hog House	6,000.00
4. Change over, DC to AC	200,000.00
5. New Steam Generating Unit	180,400.00

Total	\$2,169,416.00
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Approved March 9, 1953.

CHAPTER 66

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

FEEBLEMINDED—STATE AT LARGE

AN ACT

Making an appropriation for the care of feebleminded 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 \$3,360.00, or so much thereof as may be necessary to care for the feebleminded whose residence cannot be determined and whose care must be borne by the state, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 28, 1953.

CHAPTER 67

S. B. No. 1
(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 declaring an emergency.

PARTIAL VETO

March 21, 1953

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

Transmitted herewith Senate Bill Number One, the following items of which are vetoed and the remainder of which are approved.

The following items are vetoed:

State University

- Item One, Power Plant Completion \$52,400.00
- Item Two, Equipment for Educational Building \$25,000.00
- Item Three, Electric Feeder Line Winter Sports Building \$8,500.00
- Item Four, New land for addition to campus \$10,000.00

Agricultural College

- Item (a), Mall Development \$20,000.00
- Item (c), Storm Sewer \$65,000.00

The above items are vetoed with the belief that they can be expended from the estimated income of the institutions affected. It is also my recommendation that estimated income funds be used for the purposes mentioned if in the judgment of the Board of Higher Education sufficient surplus money will be available therefrom.

Respectfully submitted,
Norman Brunsdale
Governor

NB-in

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

§ 1. APPROPRIATIONS FOR THE STATE INSTITUTIONS OF HIGHER LEARNING.) The sums hereafter named, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose specified in the following sections of this Act, to each of the institutions hereinafter named, in the sums set forth as follows:

1. State University	\$2,920,000.00
a. New Buildings and Special Projects:	
1. Power Plant Completion	52,400.00
2. Equipment for Education Building	25,000.00
3. Electric Feeder Line, Winter Sports Building	8,500.00
4. New land for addition to Campus (This appropriation to be made available immediately upon passage).....	10,000.00
5. Special Assessments	35,921.00
Total	<u>\$3,051,821.00</u>

3. State Teachers College, Dickinson	\$ 438,500.00
a. New Buildings and Special Projects:	
1. Additional Appropriation for Stage. Remodeling for Music Rooms. (This appropriation to be made available immediately on passage)	28,000.00
2. Convert Stickney Hall to Boys Dormitory and remodel South Hall and Dining Room in Main Building. (This appropriation to be made available immediately on passage).....	30,000.00
3. Special Assessment Taxes. (This appropriation to be made available immediately on passage).....	1,082.00
Total	<u>\$ 497,582.00</u>
4. Ellendale Normal and Industrial School.....	\$ 255,000.00
a. Special Projects:	
1. Campus Wiring and Lighting.....	3,500.00
Total	<u>\$ 258,500.00</u>
5. State Teachers College, Mayville	\$ 380,000.00
Total	<u>\$ 380,000.00</u>
6. State Teachers College, Minot	\$ 915,000.00
a. Special Projects:	
1. Replace obsolete furniture 1st and 3rd floors, Pioneer Hall	15,700.00
2. Remodel five bathrooms, Pioneer Hall, Men's Dormitory	14,000.00
3. Rusco Type windows and screens to complete Pioneer Hall	4,500.00
4. 3/8" rubber mats for hall and tile for all other surfaces, Pioneer Hall	11,500.00
5. Remodeling Old Gymnasium, Main Building	20,000.00
6. Main Building—Painting and caulking and resetting "Normal School" name-stone included, \$5,636.00. Complete weatherstripping, replacement of sash cords where needed, replacement of stops where needed, replacement of triple sill, inclusive, \$8,450.00. Combination windows where needed on back of Main Building, \$1,550.00	15,636.00

7. Pioneer Hall—Painting and caulking, weatherstripping all doors and windows, replacing of putty where necessary and replacement of sash doors with chains	3,335.00
8. Campus School—Painting and caulking, weatherstripping all doors and windows, replacing sash cords with chains, removing old windows and installing glass blocks and aluminum vents	14,000.00
9. Harrison School—Weatherstripping all windows and doors, replacing of putty where needed, caulking all windows and door frames and recementing brick work	4,340.00
10. Replace cold water tank in power plant	1,500.00
11. Special Assessment Taxes	9,955.00
Total	<u>\$1,029,466.00</u>
7. State Teachers College, Valley City	\$ 526,000.00
Total	<u>\$ 526,000.00</u>
8. School of Science, Wahpeton	525,000.00
a. Special Projects:	
1. Burch Hall Entrance	15,000.00
2. Curb and Gutter	10,000.00
Total	<u>\$ 550,000.00</u>
9. State School of Forestry	\$ 243,000.00
Total	<u>\$ 243,000.00</u>

And in addition thereto there is hereby appropriated to each of the institutions hereinbefore named, all other incidental income, collections and fees, interest and income, that such institutions may collect and receive, and such incidental income, collections and fees, interest and income shall be used by each institution for such miscellaneous purposes as may be necessary for the maintenance and operation of the institution. The State Auditor is hereby authorized and directed, upon the order of the State Board of Higher Education, to issue warrants against all funds deposited in the State Treasury, provided, however, that the limitation of Section 54-2710 of the North Dakota Revised Code of 1943 shall apply only to that part of the appropriation which is derived from the General Fund.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.) Unless otherwise specifically

stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1, 1953, and ending June 30, 1955.

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

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

Approved March 21, 1953.

CHAPTER 68

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

STATE HOSPITAL FOR THE INSANE

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, and new buildings and special projects for the State Hospital for the Insane at Jamestown, North Dakota, and declaring an emergency.

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

§ 1. APPROPRIATION FOR THE STATE HOSPITAL FOR THE INSANE.) The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, and new buildings and special projects for the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salary, Superintendent, Staff, Other Employees and Consultant Services	\$1,957,049.00
2. Salaries for new positions for Psychiatrist; Psychologist; additional Physicians and Technicians; Relief Attendants; Nursing Service; Plumbers and Painters; Recreational Directors and Mental Health Program	329,644.00
Nursing School Operating Expense	37,000.00
Operating Expense	1,426,600.00
Improvements and Repairs to become available immediately on passage	219,500.00

Equipment:

1. Hydro-therapy Equipment	26,000.00
2. Kitchen and Dining Room Equipment	25,000.00
3. Laundry Equipment	20,000.00
4. Elevator Equipment	75,000.00
5. Automobile	3,000.00
6. Cafeteria Equipment for Patients Dining Room	25,000.00

New Buildings and Special Projects:

1. Hog House	8,000.00
2. Dairy Barn Addition	25,000.00
3. New Ward Building with the approval of the Budget Board	800,000.00
4. New Nurses Dormitory and Class Rooms	300,000.00
5. Living Quarters for Physicians (2 units)	25,000.00
6. Potato Warehouse	12,000.00
7. Slaughter House	10,000.00
8. Repointing Brickwork and Miscellaneous Repairs	50,000.00
9. Land Purchase	45,000.00

Total\$5,418,793.00

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

Approved March 13, 1953.

CHAPTER 69

S. B. No. 12
(Committee on Appropriations)

INSANE PATIENTS—STATE AT LARGE

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$115,000.00, or so much thereof as may be necessary to care for the insane patients whose residence cannot be determined and whose care must be borne by the state, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 28, 1953.

CHAPTER 70

H. B. No. 523
(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 \$2,567,135.00, or so much thereof as may be necessary to pay the general maintenance, repairs, salaries, operating expenses, equipment and miscellaneous items of the North Dakota mill and elevator

association, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Manufacturing Expense	\$1,086,300.00
Selling and Delivery Expense	327,700.00
Administration Expense	120,550.00
General Expense	131,000.00
Elevator Department	250,800.00
Feed Mill Department	460,125.00
State Local Elevator	39,160.00
Audit Fees	14,000.00
Emergency Fund	137,500.00
Total	\$2,567,135.00

Approved February 19, 1953.

CHAPTER 71

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

STATE PENITENTIARY

AN ACT

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

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

§ 1. APPROPRIATION FOR THE STATE PENITENTIARY.) The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous expenses, and new buildings of the State Penitentiary, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salary, Warden and Other Employees \$	337,000.00
2. Retirement Pay (Chapter 331, 1947 Session Laws)	3,000.00
3. Old Age and Survivor Insurance System	5,055.00

Operating Expense	268,550.00
Improvements and Repairs	35,000.00
Equipment	12,550.00
Bulldozer	10,000.00
Miscellaneous	2,000.00
New Buildings:	
1. New Administration Building.....	300,000.00
Total penitentiary proper	\$ 973,155.00

STATE PAROLE OFFICER:

1. Salary of Parole Officer	9,600.00
2. Other Expenses	10,000.00

STATE BUREAU OF CRIMINAL IDENTIFICATION

25,100.00

Total	\$1,017,855.00
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Approved March 5, 1953.

CHAPTER 72

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

NORTH DAKOTA STATE FARM

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$50,000.00, or so much thereof as may be necessary to pay the general maintenance and operation of the North Dakota state farm, Bismarck, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955. There is also hereby appropriated for the same purposes all moneys received from counties and from the federal government as prescribed by Chapter 12-51, North Dakota Revised Code of 1943, for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved February 14, 1953.

CHAPTER 73

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

TAG AND SIGN PLANT AND COFFIN FACTORY

AN ACT

Making an appropriation for the general maintenance and operation of the Tag and Sign Plant and the Coffin Factory at the State Penitentiary.

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

§ 1. APPROPRIATION.) There is hereby appropriated the sum of \$200,000.00 out of the miscellaneous earnings fund and the sum of \$8,000.00 out of the coffin manufacturing fund, or so much thereof as may be necessary to pay the general maintenance and operation of the tag and sign plant and the coffin factory at the state penitentiary, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Tag and Sign Plant	\$200,000.00
Coffin Factory	8,000.00
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Total	\$208,000.00

Approved February 14, 1953.

CHAPTER 74

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

NORTH DAKOTA TWINE AND CORDAGE PLANT

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous expense, and new buildings of the North Dakota Twine and Cordage Plant at the State Penitentiary.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the twine plant operating fund, the sum of \$2,009,708.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous expense, and new buildings of the North Dakota twine and cordage plant at the state penitentiary, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salaries and Wages	\$115,100.00
2. Old Age and Survivor Insurance System	2,188.00
3. Other Expenses	20,020.00
Operating Expenses	1,312,000.00
Improvements and Repairs	6,000.00
Equipment	15,400.00
Miscellaneous	439,000.00
New Buildings:	
1. Additional appropriation, New Administration Building	100,000.00
Total	<u>\$2,009,708.00</u>

Approved March 2, 1953.

CHAPTER 75

S. B. No. 13
 (Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated the sum of \$80,600.00 out of interest and income and federal aid funds of the home hereafter named and the sum of \$90,450.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and equipment for the North Dakota Soldiers' Home at Lisbon, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Expenses and Per Diem for Board	\$ 1,600.00
Salary, Commandant	8,400.00
Salaries for staff	14,000.00
Expenses and Per Diem of Auditor	150.00
Civilian Employees and Home Members Em- ployed	55,000.00
Maintenance and Operation	70,000.00
Insurance	2,300.00
Old Age and Survivor Insurance System.....	1,000.00

Improvements and Equipment:

1. Completion of Civilian Quarters Re- habilitation	2,500.00
2. Drainage of Slough	900.00
3. Grounds Improvement	2,500.00
3. Trade-in on 1½ Ton Dump Truck.....	2,100.00
5. Concrete Pit Construction at tracks and Conveyor for Unloading Coal	1,800.00
6. 4" Concrete Waterproof Wall on outside foundation and cementing foundation in basement of Civilian Quarters.....	4,000.00
7. 4" Concrete Waterproof wall on outside foundation and cementing foundation in basement of Commandant's Residence	3,000.00

8. Water Pump and Pressure Tank.....	1,200.00
Total	\$170,450.00

Approved March 12, 1953.

CHAPTER 76

H. B. No. 653

(Anson J. Anderson and Hjalmer C. Nygaard)

(at the request of The North Dakota State Soldiers' Home)

AN ACT

Appropriating the sum of \$4,000.00, four thousand dollars, or so much thereof as may be necessary from any moneys in the State Treasury not otherwise appropriated, to the State Soldiers' Home at Lisbon, North Dakota, for the purchase of materials, only, required for the construction of a dam and reservoir in the Sheyenne River, in order to store a supply of irrigation water for the maintenance of the lawns, grounds and gardens of that institution, 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, to the North Dakota State Soldiers' Home at Lisbon, to be available until June 30, 1955, the sum of \$4,000, or so much thereof as may be necessary to enable the Board of Trustees of the Soldiers' Home, in cooperation with the State Water Conservation Commission and the City of Lisbon, to construct a dam and reservoir in the channel of the Sheyenne River, in order to create a supply of stored irrigation water for the maintenance of the lawns and grounds of that institution, and for the irrigation of gardens needed to furnish vegetables required for the sustenance of the inmates therein.

§ 2. 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 14, 1953.

CHAPTER 77

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

STATE TRAINING SCHOOL

AN ACT

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

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

§ 1. APPROPRIATION FOR THE STATE TRAINING SCHOOL.) The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous expense, and new buildings and special projects for the State Training School at Mandan, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salary, Superintendent	\$ 10,200.00
2. Salary, Business Manager	7,200.00
3. Salary, Psychologist	10,200.00
4. Salary, Psychiatrist	6,000.00
5. Salary, Other Employees	265,590.00
6. Old Age and Survivor Insurance System and Teachers' Insurance and Retirement	6,900.00
Operating Expense	279,500.00
Improvements and Repairs	56,055.00
Equipment	50,000.00
Miscellaneous	4,100.00

New Buildings and Special Projects:

1. Extension to Girls Dormitory and furnishings	150,000.00
2. Complete Granary	1,900.00
3. Truck and Tractor Garage.....	6,000.00

Total	<u>\$853,645.00</u>
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Approved March 10, 1953.

CHAPTER 78

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

STATE TUBERCULOSIS SANATORIUM

AN ACT

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

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

§ 1. APPROPRIATION FOR THE STATE TUBERCULOSIS SANATORIUM.) The sums hereafter named, derived from institutional collections, interest and income, and, so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, and new buildings and special projects for the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1, 1953, and ending June 30, 1955, to-wit:

Salaries and Wages:

1. Salary, Superintendent	\$ 20,000.00
2. Salaries and Wages	765,417.00
3. New Positions, Nurses	48,000.00
4. New Positions, Nurses Aides	14,400.00
5. Chief Instructor of Nurses	10,800.00
6. Old Age and Survivor Insurance System	12,825.00

Operating Expenses	663,250.00
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Nursing School (Operation)	23,400.00
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Improvements and Repairs	25,844.00
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Equipment	30,000.00
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New Buildings and Special Projects:

1. New Dentist's Office	16,500.00
2. New Doctor's Cottage	15,000.00
3. New Stairway Enclosures and Fire Doors	6,000.00
4. New Utility Tunnels	7,000.00
5. Conversion of Power System from DC to AC	227,500.00
6. New Nurses Quarters and Classrooms	150,000.00

Total	\$2,035,936.00
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Approved March 10, 1953.

CHAPTER 79

S. B. No. 217
(Hagen)

TRANSFER ATTORNEY GENERAL'S INSPECTION
FEE FUND TO GENERAL FUND

AN ACT

To transfer the surplus in the attorney general's inspection fee fund to the general fund of the State of North Dakota.

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

§ 1.) There is hereby appropriated and transferred from the attorney general's inspection fee fund in the office of the state treasurer the sum of one thousand five hundred thirty-two dollars and eleven cents (\$1,532.11), the unexpended balance in said fund, to the general fund of the State of North Dakota.

Approved March 13, 1953.

CHAPTER 80

S. B. No. 216
(Hagen)

TRANSFER ATTORNEY GENERAL'S INSPECTOR LICENSING
FUND TO GENERAL FUND

AN ACT

To transfer the surplus in the attorney general's inspector licensing fund to the general fund of the State of North Dakota.

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

§ 1.) There is hereby appropriated and transferred from the attorney general inspector licensing fund in the office of the state treasurer to the general fund of the State of North Dakota, the sum of ninety-five thousand, seven hundred ninety-nine dollars and forty-eight cents (\$95,799.48), being the unexpended balance in said fund.

Approved March 13, 1953.

CHAPTER 81**H. B. No. 645****(Anderson of Ransom and Einarson)**

**TRANSFER SURPLUS AUTO TRANSPORTATION FUND
TO HIGHWAY CONSTRUCTION FUND****AN ACT**

To provide for the transfer of a part of the unappropriated surplus now in the "Auto Transportation Fund" to the credit of the "Highway Construction Fund" in the State Treasury, 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 four hundred thousand dollars to the credit of the "Highway Construction Fund" in the State Treasury.

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

§ 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 2, 1953.

CHAPTER 82

H. B. No. 666
(Holand, Anderson of Ransom, Wolf of McIntosh)
(Roen and Einarson)

TRANSFER PART OF UNDIVIDED PROFITS AND SURPLUS
BANK OF NORTH DAKOTA TO GENERAL FUND

AN ACT

To appropriate and provide for the transfer of one million five hundred thousand dollars out of the undivided profits of the Bank of North Dakota and not more than \$5,136,718.62 out of the existing and anticipated surpluses of the Collection and Land Department of the Bank of North Dakota to the general fund.

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

§ 1. APPROPRIATION.) There is hereby appropriated and transferred to the general fund in the State Treasury one million five hundred thousand dollars out of the undivided profits of the Bank of North Dakota for the purpose of ultimately making money available for matching federal funds now available and to be made available by acts of Congress in force and to be enacted, in the form of grants to the state in the aid of construction and reconstruction of public highways and bridges within the state, including feeder highways and bridges.

§ 2. APPROPRIATION.) There is hereby appropriated and transferred to the general fund in the State Treasury not more than \$5,136,718.62 out of the surplus collections in the Collection and Land Department of the Bank of North Dakota, functioning as Agent for the State Treasurer as Trustee for the State of North Dakota for the purpose of ultimately making money available for the purpose of matching federal funds identified in Section 1 hereof, provided that transfers of moneys under this section shall be made from time to time as such surpluses are accumulated on the written authorization of the State Industrial Commission. All transfers made under this section shall be applied to discharge the obligation of said Department for repayment of advances heretofore made to it out of motor vehicle license fees and out of taxes collected on beer sold in North Dakota.

Approved March 14, 1953.

CHAPTER 83

H. B. No. 623
(Committee on Appropriations)

**TRANSFER CAPITOL BUILDING REDEMPTION FUND
TO GENERAL FUND**

AN ACT

Transferring the Capitol Building Redemption Fund 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 Capitol Building Redemption Fund to the General Fund of the State of North Dakota the sum of twenty-eight thousand, seven hundred sixty-three dollars and twenty-one cents.

Approved February 14, 1953.

CHAPTER 84

H. B. No. 624
(Committee on Appropriations)

**TRANSFER GAS TAX PAID UNDER PROTEST FUND
TO HIGHWAY FUNDS**

AN ACT

Transferring Gas Tax Paid Under Protest to Highway Funds, and declaring an emergency.

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

§ 1.) There is hereby transferred from the Gas Tax Paid Under Protest Fund to the State Highway Construction Fund the sum of five thousand four hundred seventy-two dollars and thirty cents and to the County Highway Aid Fund the sum of one thousand eight hundred fifty-one dollars and forty-three cents.

§ 2.) Such transfers shall be made by the state auditor and the state treasurer immediately after the effective date of this act.

Sec. 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 14, 1953.

GENERAL PROVISIONS

CHAPTER 85

H. B. No. 609
(McLellan and Toussaint)

BUSINESS DAYS

AN ACT

To amend and reenact section 1-0304 of the North Dakota Revised Code of 1943, relating to business days.

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

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

§ 1-0304. BUSINESS DAYS.) All days other than those mentioned in sections 1-0301 and 1-0302 are to be deemed business days for all purposes; provided, however, that any bank located in a city or town which, according to the last federal census, had a population in excess of five thousand people may remain closed on any one business day of each week, as it may from time to time elect. Any day upon which a bank is so closed shall be, with respect to such bank, a holiday and not a business day. Any act, authorized, required or permitted to be performed at or by or with respect to such bank on such day, may be performed on the next succeeding business day, and no liability or loss of rights shall result from such delay.

Provided further, that notice of intention on the part of any bank to remain closed on a business day of the week shall be posted in a conspicuous place in the lobby of the bank at least thirty days prior to the establishment of such practice and similar notice shall be given when a bank elects to change the day of the week on which it remains closed.

Any state bank establishing the practice, as hereinbefore provided, of closing one day a week shall give thirty days notice in writing to the state examiner, in addition to posting the notice in the lobby.

Approved March 10, 1953.

AGRICULTURE

CHAPTER 86

S. B. No. 242
(Senate Agriculture Committee)
(at the request of the State Seed Department)

LABELING AND SALE OF AGRICULTURAL AND VEGETABLE SEEDS

AN ACT

Relating to the labeling, sale, offering, and exposing for sale of agricultural and vegetable seeds, establishing fees for testing and inspection of seeds, providing for penalty for misrepresentation, and repealing sections 4-0901, 4-0906, 4-0907, 4-0908, 4-0910, 4-0911, 4-0912, 4-0913, 4-0914, 4-0915, 4-0918, 4-0923, and 4-0924 of the North Dakota Revised Code of 1943.

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. "Person" shall mean any individual, partnership, corporation, company, society or association;
2. "Agricultural seeds" shall mean the seeds of grass, forage, cereal, fiber, oil crops, Irish potato seed tubers and any other kind of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixture of such seeds;
3. "Vegetable seeds" shall mean the seeds of those crops which are grown in gardens and on truck farms, and which are generally known and sold under the name of vegetable seeds within this state;
4. "Weed seeds" shall mean the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds;
5. "Noxious weed seeds" shall mean the seeds of either of the following classifications:
 - a. "Prohibited noxious weed seeds" shall mean the seeds of perennial weeds which reproduce by seed or spread by underground roots, stems and other reproductive parts and which, when established, are highly destructive and difficult to control by ordinary good cultural practice. Included herein are the seeds of leafy spurge (*Euphorbia esula* L.), field bindweed or creeping Jennie (*Convolvu-*

lus arvensis L.), Canada thistle (*Cirsium arvense* L.), perennial sow thistle (*Sonchus arvensis* L.), Russian knapweed (*Centaurea picris* Pall), and perennial pepper grass (*Cardaria draba* L., *Cardaria repens* Schrenk, *Cardaria pubescens* Meyer);

6. "Restricted noxious weed seeds" shall mean the seeds of weeds which are highly objectionable in fields, lawns and gardens, but which can be controlled by good cultural practices or other means. Included herein are the seeds of Dodder (*Cuscuta* species except *coryli*), wild mustard (*Brassica* spp), Frenchweed (*Thlaspi arvense*), wild morning-glory (*Ipomoea* spp), wild oats (*Avena fatua*), and quack grass (*Agropyron repens* L. Beauv.); Provided, however, that the commissioner may, through promulgation of regulations, add to or delete from the list of seeds included under either classification in this subsection whenever he finds, after due consideration, that such additions or deletions are within the respective classifications.
7. "Labeling" shall mean all labels and other written, printed or graphic representation in any form whatsoever accompanying or pertaining to any seed, whether in bulk or in containers, including representations on invoices;
8. "Advertisement" shall mean any representation, other than representations made on labels, made in any manner or by any means which relate to seed within the scope of this Act;
9. "Record" shall mean all information relating to lot identification, source, origin, variety, amount, processing, testing, labeling, distribution and file sample of the seed;
10. "Stop-sale" shall mean an administrative order provided by law restraining the sale, use, disposition and movement of a definite amount of seed;
11. "Seizure" shall mean the legal process carried out by court order against a definite amount of seed;
12. "Kind" shall mean one or more related species or subspecies which singly or collectively is known by one common name, such as corn, oats, alfalfa, timothy;
13. "Variety" shall mean a subdivision of a kind characterized by growth, yield, plant, fruit, seed or other characteristic by which it can be differentiated from other plants of the same kind;
14. "Lot" shall mean a definite quantity of seed identified by a lot number or other mark, every portion or bag of

which is uniform, within a permitted tolerances, for the factors which appear in the labeling;

15. "Hybrid seed corn," as applied to field corn, sweet corn of popcorn, shall mean the first generation seed of a cross made under controlled conditions between different strains and involving one or more inbred lines of corn or combination thereof. For purposes of labeling, the number or other designation of hybrid corn shall be used as a variety name;
16. "Pure seed" shall mean agricultural and vegetable seed, exclusive of inert matter, and all other seed not of the kind or variety being considered;
17. "Germination" shall mean the percentage of seed capable of producing normal seedlings under ordinarily favorable conditions as determined by methods prescribed under the rules established by the seed analysts association of North America, but not including seed which produces weak, malformed or obviously abnormal sprouts;
18. "Hard seed" shall mean the percentage of seed which, because of hardness or impermeability, do not absorb moisture or germinate under prescribed test but remain hard during the period prescribed for germination of the kind of seed concerned as determined by methods prescribed under the rules established by the seed analysts association of North America.
19. "Registered seed" and "certified seed" shall mean seed that has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized seed-certifying agency;
20. "Agent" or its plural form, when used in connection with the state seed commissioner, shall mean the commissioner's deputies, inspectors, analysts, specialists, and any other aides, agents and employees of the commissioner and the seed department, when they are acting officially for the commissioner or performing any duty or duties as provided in this Act or in the regulations duly made thereunder;
21. "Commissioner" shall mean the state seed commissioner;
22. "Seed department" shall mean the seed department of the state of North Dakota.

§ 2. EXAMINATION OF SEED BY COMMISSIONER; RIGHT OF ACCESS TO PREMISES; PUBLICATION OF REPORTS; "STOP-SALE"

ORDER.) The commissioner, either by himself or his agents, shall inspect, examine, make analysis of, and test any seed sold, offered or exposed for sale, held, or distributed within this state for sowing or planting purposes, at such time and place, and to such extent, as he may determine. The commissioner and his agents, at all reasonable times, shall have the right of free access to the premises or structures controlled, owned, or operated by any person who may be, or whose seed, or the seed he may be holding or storing or transporting, may be, investigated or proceeded against, and to any premises or structures or any kind of vehicle or conveyance where any seed may be located or in the process of transportation within the state, when not prohibited by interstate commerce laws and regulations, for the purpose of inspecting, examining, and sampling any seed or seed plants. Any person involved in any way in the handling, transportation, storage, buying, or selling of seed shall cooperate with the commissioner and his agents and shall render all possible assistance to aid the commissioner and his agents in the carrying out and enforcement of the provisions of this Act and the regulations duly made thereunder. The commissioner may publish, or cause to be published, the results of the examination, analyses, and tests of any samples of seed or mixtures of seed, together with any information he may deem advisable.

The commissioner or his agent may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which the commissioner or his agent finds to be in violation of any of the provisions of this Act, which order shall prohibit further sale, processing and movement of such seed until the commissioner or his agent has evidence that the law has been complied with and a release from such "stop-sale" order has been issued. Provided, that in respect to seeds which have been denied sale, processing and movement as provided in this paragraph, the owner or custodian of such seeds shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of such order and for the discharge of such seed from the order prohibiting the sale, processing and movement in accordance with the findings of the court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the commissioner or his agent to proceed as authorized by other sections of this Act.

§ 3. OFFICIAL LABORATORIES; LOCATION; CERTIFICATES AND REPORTS; PUBLICATION.) The commissioner, subject to the approval and supervision of the board of administration, shall

provide and maintain under his direction necessary laboratories and facilities properly equipped to make analyses, tests, and variety and disease determinations of seeds and plants, and to effect such other results and work as may be necessary to carry out the provisions of this Act. For these purposes, he may utilize such premises, space, and equipment at the agricultural college as may be assigned to him by the board. The commissioner, subject to the approval of said board, shall permit the facilities and services of the official laboratories to be used by the agricultural college at convenient times. When a report or certificate relating to the findings and determinations made in a laboratory is issued and signed by the commissioner or a duly authorized agent, it shall be accepted as prima facie evidence of the statements therein contained, but the commissioner or his analysts shall be subject to court order for a review of findings as set forth by such certificates or reports. The commissioner may publish reports or explanatory material concerning seed or inspections, tests, analyses, or other determinations made by him and may enlarge the same with material setting forth the value or condition of the seed stocks which are produced in this state or in which North Dakota persons are interested. He also may publish lists of registered or certified seed.

§ 4. PUBLIC LABORATORY SERVICE; FREE TESTS; FEES FOR ADDITIONAL TESTS.) Any resident of this state may send samples of seed to the commissioner for examination, analysis, or test, but not to exceed three samples per year per person shall be examined and reported on free of charge. Samples for such free tests must be received by the state seed department laboratory before the first day of February of each fiscal year, after which time the schedule of fees shall apply on all samples. For samples submitted by any resident of the state in excess of three, a fee of one dollar and fifty cents shall be paid for each purity analysis of clover, alfalfa, cereals, flax, corn, beans, peas, and similar products, a fee of two dollars for each purity analysis of grass seeds or mixtures of grass or clover seeds, and a fee of one dollar for each germination test. The fees for all tests and analyses for nonresident persons shall be one dollar and fifty cents for each germination test and two dollars and fifty cents for each purity analysis.

§ 5. LABELING REQUIREMENTS FOR AGRICULTURAL SEED.) Each container of agricultural seed which is sold, offered for sale, exposed for sale, transported for sale, or held in storage with the intent to sell for sowing purposes within this state shall bear thereon or have attached thereto in a conspicuous place, or there shall be properly delivered with bulk sales or move-

ments of said seed, a plainly written or printed label or tag in the English language giving the following information:

1. The commonly accepted name of the kind, or the kind and variety, of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, each component in excess of one percent of the whole shall be named together with the percentage by weight of each. All components shall be listed in the order of their predominance. Where more than one component is named, the word "mixture", or the word "mixed," shall be shown conspicuously on the label;
2. Lot number or other lot identification;
3. Origin, state or foreign country where grown. If the origin is unknown, that fact shall be stated;
4. Percentage by weight of all weed seeds;
5. The name and rate of occurrence per pound of each kind of restricted noxious weed seeds present, if the said restricted noxious weed seeds are present singly or collectively in amounts:
 - a. In the case of quackgrass (*Agropyron repens* L. Beauv.) and Dodder (*Cuscuta* species except *coryli*), in excess of twenty-one seeds per pound; and
 - b. In case of wild mustard (*Brassica* spp), Frenchweed (*Thalspi arvense*), wild morning-glory (*Ipomea* spp) and wild oats (*Avena fatua*), in excess of thirty-one seeds per pound;
6. Percentage by weight of agricultural seed which may be designated as crop seed, other than those required to be named on the label;
7. Percentage by weight of inert matter;
8. For each agricultural seed:
 - a. Percentage of germination, exclusive of hard seed. Total germination and hard seed may be stated as such, if desired;
 - b. Percentage of hard seed, if present. Total germination and hard seed may be stated as such, if desired; and
 - c. The calendar month and year the test was completed to determine such percentages;

9. The full name and address of the person who labeled said seed, or who sells, offers for sale or exposes said seed for sale within this state; and
10. The relative maturity in number of days, in the case of hybrid corn.

§ 6. LABELING REQUIREMENTS FOR VEGETABLE SEED.) Each container of vegetable seed which is sold, offered for sale, exposed for sale, transported for sale, or held in storage with the intent to sell for sowing purposes within this state shall bear thereon, or have attached thereto, in a conspicuous place a plainly written or printed label or tag in the English language.

For vegetable seeds in containers of one pound or less, such label or tag shall give the following information:

1. The name of kind and variety of seed; and
2. For seeds which germinate less than the standards as set forth in section 201.31 of the rules and regulations under the Federal Seed Act, "Service and Regulatory Announcement No. 156" ,and subsequent revisions:
 - a. Percentage of germination, exclusive of hard seed;
 - b. Percentage of hard seed, if present;
 - c. The calendar month and year the test was completed;
 - d. The words "below standard" in not less than eight point type; and
3. The full name and address of the person who labeled said seed, or who sells, offers for sale or exposes said seed for sale within this state.

For vegetable seeds in containers of more than one pound, such label or tag shall give the following information:

1. The name of each kind and variety of vegetable seed and the percentage by weight of each variety;
2. Lot number or other lot identification;
3. Origin, meaning the state or foreign country where grown. If the origin is unknown, that fact shall be stated;
4. The name and rate of occurrence per pound of each kind of restricted noxious weed seeds present;
5. For each named vegetable seed:
 - a. Percentage of germination, exclusive of hard seed. Total germination and hard seed may be stated as such, if desired;

- b. Percentage of hard seed, if present. Total germination and hard seed may be stated as such, if desired; and
- c. The calendar month and year the test was completed to determine such percentages; and

6. The full name and address of the person who labeled said seed, or who sells, offers for sale or exposes said seed for sale within this state.

§ 7. INVOICE AND RECORDS.) Each person whose name appears on the label handling agricultural and vegetable seeds subject to this Act, shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled, and shall keep for a period of one year a file sample of each lot of seed after final disposition of said lot. All records pertaining to the lot or lots involved shall be accessible for inspection by the commissioner or his agents at any time during customary business hours.

§ 8. TOLERANCES.) The tolerances used in determining correctness and accuracy in labeling seed as described in this Act shall be those tolerances used under the Federal Seed Act of August 9, 1939, and subsequent amendments thereto.

§ 9. PROHIBITIONS.) It shall be unlawful for any person to sell, offer for sale, expose for sale, transport for sale, or hold or store with the intent to sell any agricultural or vegetable seed within this state if:

1. The test to determine the percentage of germination required under section 5 and section 6 of this Act shall not have been completed within a nine month period, exclusive of the calendar month in which the test was completed, immediately prior to the sale, offering for sale or transportation;
2. Such seed is not labeled in accordance with the provisions of this Act or bears false or misleading labeling;
3. There has been false or misleading advertising in connection with such seed;
4. Such seed contains prohibited noxious weed seeds;
5. Such seed is not labeled to show the rate of occurrence of restricted noxious weed seeds, as required under section 5 and section 6 of this Act; or
6. Such seed is designated, offered, represented or advertised under any name or identification other than that by which it was known originally.

Any person, under rules and regulations to be made therefor by the commissioner, may submit to the commissioner a sample of any seed which he claims to be a new variety, distinct from any commonly known variety of such seed, together with a proposed, distinctive name therefor. The commissioner, within one year, shall make such tests as he shall consider necessary, and if he finds as a result of such tests that such seed or plant is of a new variety, distinct from any variety of such seed known theretofore and that the name proposed therefor will properly distinguish said seed from any and all other varieties thereof, he shall issue to the person applying therefor a permit to designate such seed by said name. The purchaser, vendor, or any person receiving any seed shipped into this state from without the state, shall have the same labeled in accordance with and in conformity to the requirements of this Act. Certain standardized grades and labeling of seed in use elsewhere may be permitted by the commissioner in connection with shipments of seed into this state from points outside thereof in lieu of the labeling provided for in this Act.

Further, it shall be unlawful for any person in this state to:

1. Detach, alter, deface, or destroy any label provided for in this Act or to alter or substitute seed in any manner with the intent to defeat the purpose of this Act;
2. Disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means;
3. Hinder or obstruct in any way any authorized person in the performance of his duties under this Act;
4. Fail to comply with a "stop-sale" order;
5. Use on seed labels or tags, or to use or attach to literature, or to state in any manner or form of wording designed as a "disclaimer" or "non-warranty" clause with the intent to disclaim responsibility of the vendor of the seed for the data on the label required by law;
6. Use the words "type" or "trace" on any labeling in connection with the name and description of any agricultural and vegetable seed;
7. Move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order, except with the written permission of the commissioner or his agent, and only for the purpose specified in such written permission; or
8. Use the name of the state seed department or the name of the official laboratory for advertising purposes in con-

nection with seed analyzed or tested by the department or official laboratory, except in the case of registered or certified seed.

§ 10. EXEMPTIONS.) The provisions of section 5 and section 6 of this Act shall not apply to:

1. Potatoes, whether sold or intended for food, manufacturing, or planting purposes;
2. Seed or grain which is not intended for sowing purposes;
3. Seed stored by or consigned to a seed cleaning or processing plant for the purpose of cleaning or processing; provided, that any labeling or other representation which may be made with respect to uncleaned or unprocessed seed shall be subject to the requirements of this Act; and
4. A common carrier with respect to any seed transported or delivered for transportation in the ordinary course of business.
5. Seeds which are sold or exchanged by farmers within any community who are not engaged in commercial seed business.

No person shall be subject to the penalties of this Act for having sold, exposed for sale, or transported for sale in this state any agricultural or vegetable seeds which were incorrectly labeled or incorrectly represented as to kind, variety, or origin and which could not be identified by examination thereof, unless such person has failed to obtain an invoice or grower's declaration stating the kind, or kind and variety, and origin, if required, or has failed to take such other precautions as may have been necessary to insure that the seed was properly identified.

§ 11. REGISTERED AND CERTIFIED SEED STANDARDS; FEES.) The rules, requirements, and fees for certification of crop seeds, other than potatoes, shall be those prescribed and set forth in the state seed department bulletin No. 51, published in March, 1945, and subsequent announcements and revisions thereof.

The rules, requirements, and fees for seed potato certification shall be those prescribed and set forth in the state seed department bulletin No. 49 as revised in August, 1950, and subsequent announcements and revisions thereof.

§ 12. SEIZURE AND INJUNCTION; ACTION.) Any lot of agricultural or vegetable seed not in compliance with the provisions of this Act shall be subject to seizure on complaint of the commissioner, or his agent, to a court of competent jurisdiction in

the locality in which the seed is located. In the event that the court finds the seed to be in violation of this Act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state. Provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed, or permission to process or relabel it in compliance with the provisions of this Act. Any violation of this Act may be enjoined in a court of competent jurisdiction without bringing any other civil or criminal action.

§ 13. PENALTY.) Any person who violates any of the provisions, or who refuses to comply with any of the requirements, of this Act, or of any regulation duly made hereunder, or who wilfully interferes with the commissioner or any of his agents in the execution, or on account of the execution, or his or their duties under this Act and the regulations duly made thereunder, shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars and costs of prosecution for the first offense nor more than five hundred dollars and costs of prosecution for each subsequent offense.

§ 14. REPEAL.) Sections 4-0901, 4-0906, 4-0907, 4-0908, 4-0910, 4-0911, 4-0912, 4-0913, 4-0914, 4-0915, 4-0918, 4-0923, and 4-0924 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1953.

CHAPTER 87

S. B. No. 182
(Morgan and Solberg)
(at the request of State Seed Department)

GRADE INSPECTION OF POTATOES; FEES AND CHARGES

AN ACT

To amend and reenact section 4-1013 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to grade inspection of potatoes, and prescribing fees.

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

§ 1. AMENDMENT.) Section 4-1013 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

officers of the Red River valley potato growers association present at a meeting called by the state seed commissioner, preferably at Grand Forks.

Approved March 9, 1953.

CHAPTER 88

S. B. No. 72

(Thomas, Sandness, Schoeder and Sauer)

REGULATING "FILLED DAIRY PRODUCTS"

AN ACT

To prevent confusion, fraud, and deception of the public in connection with the sale of dairy products; to make unlawful the manufacture, sale, exchange, transportation, possession, or offer for sale or exchange of "filled dairy products" as defined herein; to provide for the enforcement and administration of this Act; to prescribe penalties for its violation; and to repeal sections 4-1842 and 4-1845 of the North Dakota Revised Code of 1943.

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

§ 1. DECLARATION OF POLICY.) Filled dairy products resemble genuine dairy products so closely that they lend themselves readily to substitution for or confusion with such dairy products and in many cases cannot be distinguished from genuine dairy products by the ordinary consumer. The manufacture, sale, exchange, transportation, possession, or offering for sale or exchange of filled dairy products creates a condition conducive to substitution, confusion, deception, and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well being of the people of this state. It is hereby declared to be the purpose of this Act to correct and eliminate the condition above referred to; to protect the public from confusion, fraud, and deception; to prohibit practices inimical to the general welfare; and to promote the orderly and fair marketing of essential foods.

§ 2. DEFINITIONS.) Whenever used in this Act:

1. The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices, or arrangements.

2. The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, butter cream, skimmed milk, ice cream, whipped cream, flavored milk or skimmilk drink, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: provided, however, that this term shall not be construed to mean or include:
- a. Any distinctive proprietary food compound not readily mistaken for a dairy product, where such compound is customarily used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled;
 - b. Any dairy product flavored with chocolate or cocoa, or the vitamin content of which has been increased, or both, where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used and the food oil, not in excess of .01 per centum of the weight of the finished product, used as a carrier of such vitamins; or
 - c. Oleomargarine.

§ 3. PROHIBITED ACTS.) It shall be unlawful for any person to manufacture, sell, exchange, transport, possess, or offer for sale or exchange any filled dairy product.

§ 4. PENALTIES.) Any person who shall violate any of the provisions of this Act, and any officer, agent, or employee thereof who directs or knowingly permits such violation or who aids or assists therein, shall, upon conviction thereof, be subject to a fine of not more than \$1,000, or to imprisonment for not more than 90 days, or both.

§ 5. ENFORCEMENT.) The dairy commissioner is authorized and directed to administer and supervise the enforcement of this Act; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions or both. The provisions of this Act may be enforced by injunction in any court having jurisdiction to grant injunctive relief,

and filled dairy products illegally held or otherwise involved in a violation of this Act shall be subject to seizure and disposition in accordance with an appropriate court order.

§ 6. SEPARABILITY.) If any provision of this Act, or any part or section thereof, is declared unconstitutional or the applicability thereof to any person, circumstance, or product is held invalid, the validity of the remainder of this Act and the applicability thereof to other persons, circumstances, or products shall not be affected thereby.

§7. REPEAL.) Sections 4-1842 and 4-1845 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 4, 1953.

CHAPTER 89

H. B. No. 612
(Committee on Agriculture)
(By request of)
(State Soil Conservation Department)

DISTRICT SUPERVISORS OF SOIL CONSERVATION DISTRICTS; ELECTION AND TERMS OF OFFICE

AN ACT

To amend and reenact Section 4-2221 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 99 of the Session Laws of 1951 and to amend and reenact section 4-2222 of the North Dakota Revised Code of 1943 as amended by section 3 of chapter 99 of the Session Laws of 1951 relating to the election and terms of office of district supervisors of soil conservation districts.

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

§ 1. AMENDMENT.) That section 4-2221 of the 1949 Supplement to the Revised Code of North Dakota for 1943 as amended by section 2 of chapter 99 of the session laws of North Dakota for 1951 be and the same is hereby amended and reenacted to read as follows:

4-2221. REGULAR ELECTION OF DISTRICT; WHEN HELD; REGULATIONS GOVERNING.) The regular election of soil conservation districts shall be held at the same time, and in organized townships at the same place, as the annual township meetings are

held. Each organized township shall constitute an election precinct. In unorganized territory the board of district supervisors shall designate the polling place or places. The notice of a district election and the conduct thereof shall be substantially the same as required for the first election except that the board of supervisors shall cause the notice of election to be published and posted. The notice of election shall state that petitions for the nomination of candidates for the office of supervisor may be filed with the secretary of the board. No nominating petition shall be filed later than the date designated in the notice of election. Any land occupier desiring to be a candidate for the office of supervisor at a district election and who has failed to file a nominating petition may furnish stickers to be attached to the ballot; and the ballot shall have blank spaces below the names of candidates nominated by petition for writing in other names. The board of district supervisors shall cause ballots, ballot boxes, poll books and other needed election supplies to be delivered to the various polling places. The state committee is authorized to determine what election supplies may be required.

In organized townships the election board appointed to supervise and conduct the township election shall also function as the board of election for the soil conservation district election. Prior to a district election, the board of supervisors shall appoint from the land occupiers in the unorganized territory in the district a board of election for each precinct or polling place designated therein consisting of one inspector, one judge and two clerks. The compensation of the members of such election board shall be the same as the compensation of the members of the township election board in an organized township. Payment may be made from any funds available for such purpose. The members of an election board in unorganized territory shall qualify in the same manner as prescribed by section 4-2219 of the North Dakota Revised Code of 1943.

After the polls are closed the election board shall publicly open and proceed to canvass the ballots cast and shall declare the result of such canvass. The inspector of elections shall thereupon wrap securely all lists, tally sheets, votes, affirmations and other documents relating to the progress of the election and shall deliver the same to the secretary of the board of supervisors of the soil conservation district. The board of supervisors shall not later than ten days after the election meet at its usual meeting place and canvass the returns. The canvass shall be made in public by opening the returns and ascertaining the vote for each person voted for and declaring the result thereof, and also ascertaining the vote for and against any question voted upon and declaring the result

thereof. As soon as the results of the election are declared the secretary shall enter upon the records of the board a statement of such results showing: (1) The whole number of votes cast in the district; (2) The names of the persons voted for; (3) Each question, if any, voted upon; and (4) The number of votes cast for each person and the number of votes cast for and against each question voted upon at the election.

The secretary of the board shall certify the returns of the election to the state committee. Such certification shall be signed by the chairman of the board and attested by the secretary. The state committee shall issue certificates of election to each elected supervisor and the executive secretary of the committee shall certify the results of the election in each district to the county auditor of the county or counties in which such district is located.

§ 2. AMENDMENT.) Section 4-2222 of the Revised Code of North Dakota for 1943 as amended by section 3 of chapter 99 of the session laws of North Dakota for 1951 is hereby amended and reenacted to read as follows:

4-2222. SUPERVISORS: TERMS OF OFFICE; VACANCIES: REMOVAL.) The election at which a board of supervisors of a soil conservation district is first elected, after organization of such district, shall be considered the first regular election of the district regardless of when the election was held. The term of supervisors elected at such first regular election shall be determined as follows: The elected supervisor having received the lowest number of votes shall hold office until the first Tuesday in April following such first election; the elected supervisor receiving the next highest number of votes shall hold office until the first Tuesday in April of the second year following such first election; and the supervisor having received the largest number of votes shall hold office until the first Tuesday in April of the third year following the year in which such first election was held. The successor of a supervisor elected at a regular election held after such first election shall hold office for a term of three years until his successor is duly elected and qualified except where a supervisor is elected to fill the unexpired term of a supervisor whose office has become vacant.

District supervisors whose terms of office expired as of January 1, 1953, or whose terms of office expired prior thereto and who are holding office by reason of the circumstance that no district election has been held, shall hold office until the first Tuesday in April, 1954, and until their successors are duly elected and qualified. The offices of supervisors whose terms have been thus extended under the provisions of this Act shall be filled at the regular district elections in March of 1954. The

term of office of the elected supervisor receiving the lowest number of votes for such office shall expire the first Tuesday in April, 1955; the supervisor having received next to the highest number of votes, shall hold office until the first Tuesday in April, 1956; and the term of office of the supervisor having received the largest number of votes shall expire as of the first Tuesday in April, 1957. A supervisor shall, however, hold office until his successor has been elected and qualified. After 1954 a soil conservation district supervisor elected at a district regular election for a full term shall hold office for three years and until his successor is elected and has qualified. In case the office of any supervisor shall, for any reason, become vacant, the remaining members of the board of supervisors shall, with the advice and consent of the state committee, fill the vacancy by appointment. In the event that vacancies shall occur in the office of two supervisors the remaining supervisor and the state committee shall fill the vacancy; and in case the offices of all the supervisors of a district shall become vacant the state committee shall fill the vacancies by appointment. A supervisor appointed to fill a vacancy shall hold office until the first Tuesday in April of the year following the first regular district election held after such appointment was made. A supervisor elected to fill a vacancy shall serve the balance of the unexpired term in which the vacancy occurred.

Any supervisor of a soil conservation district may after notice given and hearing held in accordance with the administrative practices act of this state, be removed from office by the state committee.

Approved March 18, 1953.

CHAPTER 90

H. B. No. 613
(Committee on Agriculture)
(At the request of the)
(State Soil Conservation Department)

CONSOLIDATION OF SOIL CONSERVATION DISTRICTS

AN ACT

To provide for the consolidation of soil conservation districts.

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

§ 1. CONSOLIDATION OF DISTRICTS: PETITION FOR; REFERENDUM; CONDUCT OF REFERENDUM.) Two or more soil conservation districts may be consolidated into one district by compliance with the provisions of this Act. A petition or petitions for consolidation of soil conservation districts shall be filed with the secretary of the state soil conservation committee and shall be signed by at least twenty-five occupiers of land in each district. Upon the filing of such petition or petitions, the state committee shall by resolution fix a date for a referendum to be held in each such district and shall direct the board of supervisors thereof to cause notice of such referendum to be posted in at least five conspicuous places within the district and to be published once each week for two consecutive weeks prior to the referendum in a newspaper of general circulation therein. Only occupiers of land within the district shall be eligible to vote at the referendum. Such notice shall state the date of the referendum, the polling place or places for holding such referendum, the time when the polls will open and close, and the question to be submitted to the land occupiers. Such notice shall be substantially in the following form:

Notice is hereby given that on the.....day of.....
19..... a referendum will be held at.....
(Designate polling place or places)
for the purpose of submitting to the occupiers of land within
.....soil conservation district the
(Name of District)
question as to whether.....
.....
(Names of Districts)
soil conservation districts embracing the following townships
.....
(Designate townships by number and range)
shall be consolidated into one soil conservation district.

The ballot will be in the following form:

Shall
(Names of Districts)

soil conservation districts embracing the following townships

.....
(Designate townships by number and range)

be consolidated into one soil conservation district?

Yes.....

No.....

The board of election for each polling place shall be appointed by the board of supervisors of the district and shall consist of one inspector, one judge and one clerk. Members of such election board shall receive the sum of \$5.00 for their services.

§ 2. CONDUCT OF REFERENDUM; CANVASS OF VOTES.) A referendum upon the question of consolidating two or more soil conservation districts shall be conducted in accordance with the laws of the state prescribing the conduct of general elections. After the polls are closed the board of election shall proceed to canvass the votes and the clerk of the board shall certify to the board of supervisors of his district and to the state committee the result of the referendum. The clerk shall then securely wrap the ballots cast at such referendum and shall express or mail the same to the secretary of the state committee. The committee shall also canvass the ballots and verify the result. The secretary of the committee shall file the ballots in his office. Upon the expiration of two years after such ballots were canvassed by the state committee they may be destroyed.

The state committee shall publish the results of the referendum after having canvassed the ballots and if the committee shall find that a majority of the ballots cast in each district are for consolidation, the committee shall file with the secretary of state a statement certifying that the consolidated district has been duly and regularly established.

§ 3. SUPERVISORS OF CONSOLIDATED DISTRICT; TERMS OF OFFICE; POWERS AND DUTIES.) The members of the board of supervisors of a newly consolidated district shall be the supervisors from each of the districts having been consolidated whose terms of office herein would last expire if such new consolidated district were not established. Such members shall determine by lot the order in which their terms of office in the consolidated district shall expire. Where more than three districts are consolidated, the members of the board of supervisors of the consolidated district shall be determined by lot among the supervisors from the districts whose terms therein would expire last. Where only two districts are consolidated, the third member of the board of supervisors of the consolidated district shall be determined by lot among the remaining supervisors from both such districts. The supervisors thus

selected shall hold office until the next general election of the district and until their successors are elected and qualified. Supervisors of a consolidated district shall have all the powers and duties of supervisors of a soil conservation district as enumerated in chapter 4-22 of the Revised Code of North Dakota of 1943. The name of a consolidated district shall be determined by the new supervisors thereof.

§ 4. COSTS AND EXPENSES OF CONSOLIDATION; DISPOSITION OF PROPERTY; CONTRACTS OF DISTRICTS AFTER CONSOLIDATION.) All costs and expenses incidental to the consolidation of two or more districts shall be borne equally by each of the districts which have been consolidated. All property and money of the districts which have been consolidated shall become the property of the newly established district. All contracts to which the supervisors of each of the districts consolidated are parties shall remain in force and effect for the period provided in the contracts and the supervisors of the consolidated district shall be substituted as parties therein. Supervisors of a consolidated district shall be entitled to all the benefits and subject to all the liabilities under such contracts and shall have the same rights as the supervisors of the district which entered into such contract or contracts would have had if a consolidated district had not been established.

Approved February 14, 1953.

CHAPTER 91

H. B. No. 674
(Fleenor, Leet, Laske)

SALE OF CHEMICALLY TREATED GRAIN WITHOUT INFORMING PURCHASER PROHIBITED; PENALTY

AN ACT

Prohibiting the sale of chemically treated grain without informing the purchaser of such fact.

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

§ 1.) No person shall sell grain, for the purpose of human or animal consumption, which has been chemically treated for insect or fungus control, without informing the purchaser of the fact of such treatment. Any person selling such chemically treated grain without informing the purchaser thereof 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 2, 1953.

ALCOHOLIC BEVERAGES

CHAPTER 92

S. B. No. 255
(Schrock, Troxel and Bilden)

SALE OF ALCOHOLIC BEVERAGES ON CERTAIN HOLIDAYS

AN ACT

To amend and reenact section 5-0113 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to sale of alcoholic beverages on certain holidays.

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

§ 1. AMENDMENT.) Section 5-0113 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby 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, Good Friday, after six P. M. on Christmas Eve, on Christmas Day, 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.

Approved March 14, 1953.

CHAPTER 93

H. B. No. 705

(Einarson, Sommer, Acheson and Christopher)

DISPOSITION OF WHOLESALE LIQUOR TAX

AN ACT

To amend and reenact section 1 of chapter 100 of the North Dakota Session Laws of 1951, relating to the disposition of the tax on sales by licensed wholesale liquor dealers and providing that sixty-five percent of the revenue from such tax shall be placed in the charitable institutions revolving fund.

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

§ 1. AMENDMENT.) Section 1 of chapter 100 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

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

Approved March 2, 1953.

BANKS AND BANKING

CHAPTER 94

S. B. No. 133
(Johnson and Luick)

FEES FOR EXAMINATION OF BANKS

AN ACT

To amend and reenact section 6-0117 of the North Dakota Revised Code of 1943, relating to fees for examination of banks; providing for maximum fee limit and increasing minimum fee limit.

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

§ 1. AMENDMENT.) Section 6-0117 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0117. FEES FOR EXAMINATION OF BANKS.) Every state banking association, banking institution, and trust company placed under the jurisdiction and control of the state examiner and his deputy examiners by the provisions of this title, prior to receiving its certificate of authority to commence business, if a new corporation or association, and in all cases within ten days after each examination, shall pay into the state treasury the following fee: one and one-half hundredths of one percent of the gross amount of the assets of said corporation or association on the day of the examination, exclusive of expenses, interest, and taxes paid, and inclusive of any valuation allowance or allowances deducted by a state banking association from any asset account. Such fee shall not be less than seventy-five dollars and not more than one thousand dollars. The state treasurer shall report such payments of fees to the state banking board, and if any such corporation or institution shall be delinquent more than twenty days in making such payment, the board may make an order suspending the functions of such delinquent corporation or institution until payment of the amount due, plus a penalty of five dollars a day additional for the delay.

Approved March 10, 1953.

CHAPTER 95

S. B. No. 132
(Johnson and Luick)

DUTIES, EXAMINATIONS AND FEES OF STATE EXAMINER

AN ACT

Relating to Duties, Examinations, and Fees of the state examiner, and Repealing section 6-0121 of the North Dakota Revised Code of 1943.

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

§ 1. DUTIES, EXAMINATION, FEES.) The state examiner by his duly appointed deputy examiners or other authorized person or persons shall examine at least once each year if possible, and more often if he, in his discretion, deems it advisable, the official financial records and accounts of all elected state officers and the departments and divisions which they administer, all state boards, funds, commissions, associations, departments, and bureaus, except those which are specifically designated to be audited by the state board of auditors, all state institutions of higher learning under the administration and control of the state board of higher education, and all state institutions and departments under the administration and control of the state board of administration, the North Dakota soldiers' home, the offices of the clerk of the supreme court, the supreme court librarian, the adjutant general, the national guard and/or state guard, the historical society, the state librarian, the banking department of the Bank of North Dakota, and the North Dakota stockmen's association, and shall make at his convenience examinations of such other state agencies, boards, commissions, departments, funds or bureaus at such time and for such period as the governor may request in writing. Reports of examinations provided for herein shall be filed in the office of the governor, and a copy of such examination report shall be sent to the office, board, fund, commission, association, department, bureau or institution examined, and to the presiding officer of the board under whose administration the institution is operated.

Fees for the examinations provided for in this section shall be charged by the state examiner only for examinations of the state fire and tornado fund, the state bonding fund, the banking department of the Bank of North Dakota, and the North Dakota stockmen's association. The fee shall be at the rate

of twenty-five dollars (\$25.00) per day for the time actually required by the state examiner and each deputy examiner and other person employed in making, typing, and otherwise preparing and filing the reports of examination provided by this section. Such fees shall be paid to the state treasurer and by him credited to the general fund of the state.

§ 2.) The state examiner by his duly appointed deputy examiners or other authorized person or persons shall examine at least each year, if possible, and more often if he, in his discretion, deems it advisable, the official financial records, accounts, and proceedings of boards of county commissioners, county auditors, county treasurers, clerks of district court, county judges, registers of deeds, county superintendents of schools, sheriffs, public administrators, governing boards of irrigation districts and flood irrigation districts, clerks or secretaries of said boards and treasurers of said districts. Fees for such examinations shall be charged by the state examiner for the examinations in this section provided at the rate of twenty-five dollars (\$25.00) per day for the time used by himself or other person designated by him in supervising, filing and corresponding in connection with such report and for the time used by each deputy examiner, or other person or persons in making and otherwise preparing and typing the reports of examinations herein provided for. Fee for an extra day shall be paid for each person who may be required to travel to participate in the examinations in this section provided. The fees herein provided shall be paid by the counties and districts examined to the state treasurer, and by him credited to the general fund of the state.

§ 3.) The state examiner by his duly appointed deputy examiners or other authorized person or persons shall examine at least each year, if possible, and more often if he, in his discretion, deems it advisable, the official financial records, accounts, and proceedings of the governing boards, councils, commissions, and committees, city auditors, city treasurers, park district clerks and treasurers, village clerks and treasurers in cities and villages having a population of one thousand or more, and school district clerks, secretaries of boards of education and school boards and boards of education and treasurers thereof in school districts comprising cities and villages having a population of one thousand or more, and the books, records, and proceedings of the trustees and officers of firemen's relief associations receiving funds under the provisions of chapter 18-05 of the North Dakota Revised Code of 1943.

The governing board of any such city, park board, village, or school district may provide for an audit annually by a certified public accountant, and such audit report shall be in

such form and contain such information as the state examiner may require in addition to other information, and in such case the state examiner shall not be required to make the examination heretofore provided for in this section. Two copies of such audit reports shall be filed with the state examiner and one copy with the state bonding fund by the certified public accountant making such audit at the same time that the report of audit is delivered to said city, park board, village or school district, and the governing board of such subdivision shall not pay the fee for such audit until evidence of such filing is furnished. The state examiner may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of the governing boards and officers of such subdivisions disclosed by such audit reports, and failure to make such corrections shall result in examinations being resumed by the state examiner until such irregularities, procedures or illegal actions are corrected, and fees for such examinations, so resumed, shall be paid in accordance with this section.

Fees for the examinations provided for in this section shall be charged by the state examiner at the rate of twenty-five dollars (\$25.00) per day for the time used by himself or other person designated by him in supervising filing and corresponding in connection with such reports of examination, and for time used by each deputy examiner or other person or persons in making such examinations and otherwise preparing and typing the reports of examinations herein provided for. Fee for an extra day shall be charged for each person who may be required to travel to participate in the examinations in this section provided, and all fees for the examinations herein provided shall be paid by the subdivision examined to the state treasurer, and by him credited to the general fund of the state.

§ 4.) When so ordered by the governor of this state, or on petition of thirty-five per cent (35%) of the electors of any school district, city or village for which examinations are not provided in section 3 of this Act, or at the request of the chairman or governing board of any such political subdivision, the state examiner shall, through his deputy examiners or other authorized persons, examine the records of the governing body and the books, records, and financial accounts of the treasurer and clerk or auditor thereof, as the case may be. Fees for such examinations shall be paid in accordance with the provisions of section 3 of this Act to the state treasurer, and by him credited to the general fund of the state.

§ 5.) It shall not be the duty of the state examiner or his staff to make examinations of any political subdivision, state

office or department, state boards, funds, commissions, associations, and bureaus, for the reason of severance from the service of such political subdivisions, state offices or departments, state boards, funds, commissions, associations, and bureaus of any officer, clerk, deputy, cashier, or other employee unless the head of such state office or department, or the board administering any other of the agencies named herein shall request such examination in writing, and state that there is reason to believe that there is irregularity in handling funds or embezzlement involved.

§ 6. REPEAL.) Section 6-0121 of the North Dakota Revised Code of 1943 as heretofore amended by section 1 of chapter 103 of the session laws of 1949 is hereby repealed.

Approved March 13, 1953.

CHAPTER 96

S. B. No. 52
(Legislative Research Committee)
(at the request of the)
(State Examiner)

RESPONSIBILITY OF STATE BANKING ASSOCIATION SHAREHOLDERS

AN ACT

Relating to the responsibility of shareholders of state banking associations and repealing section 6-0329 of the North Dakota Revised Code of 1943.

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

§ 1.) The additional liability imposed upon shareholders in state banking associations by section 6-0329 of the North Dakota Revised Code of 1943, or by any earlier statute imposing the same or similar liability, shall not apply with respect to shares in any such association issued after July 1, 1953. Such additional liability shall cease on July 1, 1955, with respect to all shares theretofore issued by any such association which shall be transacting the business of banking on July 1, 1955; provided, that no less than six months prior to that date such association shall have caused notice of such prospective termination of liability to be published once each

week for four successive weeks in a newspaper published in the county in which such association is located. If any such association shall fail to give such notice as and when above provided, a termination of such additional liability may thereafter be accomplished as of a date six months subsequent to publication in the manner above provided.

§ 2.) Nothing in this Act contained shall impair or affect the validity of the termination of any such liability heretofore affected pursuant to the provisions of chapter 95 of the North Dakota session laws of 1937 or chapter 103 of the North Dakota session laws of 1941.

§ 3. REPEAL.) Section 6-0329 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 28, 1953.

CHAPTER 97

S. B. No. 142
(Wadeson)

AUTHORIZING USE OF WORD "SAVINGS" IN NAMES OF BUILDING AND LOAN ASSOCIATIONS

AN ACT

To amend and reenact section 6-0409 of the North Dakota Revised Code of 1943; section 7-0101 of the North Dakota Revised Code of 1943; and subsection 1 of section 7-0103 of the North Dakota Revised Code of 1943, authorizing building and loan associations to use the word "savings" in their names.

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

§ 1. AMENDMENT.) Section 6-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0409. USE OF "SAVINGS BANK" IN CORPORATE NAME; WHO MAY RECEIVE DEPOSITS; VIOLATION A MISDEMEANOR.) Every corporation organized under the provisions of this chapter shall use the words "savings bank" as a part of its corporate name, and it shall not be the same as that of any other bank incorporated in this state. A corporation shall not use the word "savings" as a part of its title unless it is organized under this

chapter or under chapter 7-01. No corporation, except a national banking corporation, state bank, and an annuity safe deposit, and trust company organized under the laws of this state, shall receive savings deposits without first complying with and organizing under the provisions of this chapter. Any person violating the provisions of this section is guilty of a misdemeanor.

§ 2. AMENDMENT.) Section 7-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7-0101. DEFINITION: SUPERVISION.) A corporation mutually operated for the purpose of encouraging home building and thrift among its shareholders and loaning substantially all of its funds to them on real estate mortgage security shall be known as a building and loan association, or a savings and loan association, and shall be under the supervision of the state banking board, which board is charged with the duty of enforcing all laws with respect thereto. Such association shall be organized under and governed by the provisions of this title. All building and loan associations organized under the laws of this state shall be known as domestic associations. All corporations, societies, organizations, or associations incorporated under the laws of another state, territory, country, or nation for the purpose specified in this title, or carrying on a business of a character similar to that authorized by this title, shall be known in this title as foreign corporations.

§ 3. AMENDMENT.) Subsection 1 of section 7-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. The name of the association. The name shall not be the same as, nor too closely resemble, that in use by any existing corporation established under the laws of this state. The words "building and loan association" or "savings and loan association" shall form a part of the name, and only corporations and associations organized under this chapter shall be entitled to use a name embodying either of said combinations of words. Any association in existence on July 1, 1931, may continue and renew its charter in the name under which it was then operating. Any corporation or association organized or operating under this chapter is authorized to change its name to embody the words "savings and loan association."

Approved March 17, 1953.

CHAPTER 98

H. B. No. 619
(McLellan)

AUTHORIZING OUT-OF-STATE BANKS AND TRUST COMPANIES
TO SERVE AS FIDUCIARIES ON RECIPROCAL BASIS

AN ACT

To authorize out-of-state banks and trust companies to serve as fiduciaries in the State of North Dakota on a reciprocal basis.

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

§ 1.) A bank or trust company organized and doing business under the laws of any state or territory of the United States of America, including the District of Columbia, other than the state of North Dakota, and a national bank, duly authorized so to act, may be appointed and may serve in this state as trustee, whether of a corporate or personal trust, executor, administrator, guardian for a minor or for an incompetent person, or in any other fiduciary capacity, whether the appointment is by will, deed, court order or decree, or otherwise, when and to the extent that the state, territory or district in which such bank or trust company is organized or has its principal place of business grants authority to serve in like fiduciary capacities to a bank or trust company organized and doing business under the laws of this state.

§ 2.) Before qualifying or serving in this state in any fiduciary capacity, as defined in section 1 of this Act, such bank or trust company shall file in the office of the secretary of state a copy of its charter certified by its secretary under its corporate seal, and a power of attorney designating the said secretary of state or his successor in office as the person upon whom all notices and processes issued by any court of this state may be served in any action or proceeding relating to any trust, estate, or matter within this state in respect of which such bank or trust company is acting in any fiduciary capacity with like effect as personal service on such bank or trust company, which power of attorney shall be irrevocable so long as any such liability shall remain outstanding against such bank or trust company in this state; upon receipt of such notice or process, it shall be the duty of the said secretary of state forthwith to forward the same by registered mail to such bank or trust company at the address stated in the said power of

attorney, and such bank or trust company shall comply with the provisions of chapter 6-05 of the North Dakota Revised Code of 1943, as heretofore or hereafter amended, insofar as the provisions of said chapter pertain to banks or trust companies.

§ 3.) The provisions of this Act shall not be construed to permit a bank or trust company, organized and doing business under the laws of any other state, territory or district than the state of North Dakota, including a national bank doing business in any other state, to establish in this state a place of business, branch office, or agency for the conduct of business as a fiduciary.

§ 4.) No bank or trust company organized and doing business under the laws of any state or territory of the United States of America, or of the District of Columbia, other than the state of North Dakota, or a national bank doing business in any other state, territory or district, shall act in a fiduciary capacity in this state, except pursuant to the provisions of this Act.

§ 5.) Any bank or trust company violating any provision of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not exceeding ten thousand dollars, and may, in the discretion of the court, be prohibited thereafter from serving in this state in any fiduciary capacity.

§ 6.) All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved March 4, 1953.

CHAPTER 99

H. B. No. 730

(Siverson, Snortland, Erickson of Divide)
(Poling and Esterby)ASSESSMENT OF MEMBERSHIP DUES IN NORTH DAKOTA
CREDIT UNION LEAGUE

AN ACT

To amend and reenact section 6-0616 of the North Dakota Revised Code of 1943, relating to the assessment of membership dues in the North Dakota Credit Union League.

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

§ 1. AMENDMENT.) Section 6-0616 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0616. ENTRANCE FEE; CAPITAL; LIEN ON SHARES; ASSESSMENT ON SHARES.) A credit union may charge such entrance fee, not to exceed fifty cents, as may be provided by its by-laws. Its capital shall consist of the entrance fees paid in and the payments made to it by the several members on shares therein. The credit union shall have a lien on the shares and deposits of a member for any sum due to the credit union from that member or for the amount due on any loan endorsed by him. A credit union that is a member of the North Dakota credit union league may, by resolution adopted with a quorum present at a regular or special meeting of the board of directors of the credit union, annually assess against the share accounts of all members of the credit union an amount equal to the whole or proportionate part of the annual membership fee payable to the North Dakota credit union league.

Approved March 4, 1953.

CHAPTER 100

S. B. No. 172
(Johnson)

EXPENSES OF COURT COMMISSIONER OR DISTRICT JUDGE
IN CHARGE OF CLOSED BANKS; REPEAL

AN ACT

To repeal section 6-0744 of the 1949 Supplement of the North Dakota Revised Code of 1943 relating to expenses of court commissioner or district judge in charge of closed banks.

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

§ 1. REPEAL.) Section 6-0744 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 13, 1953.

BUILDING AND LOAN ASSOCIATIONS

CHAPTER 101

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

ADVANCEMENT OF FUNDS TO PROTECT LIENS; LIMITATION OF LOANS BY BUILDING AND LOAN ASSOCIATIONS

AN ACT

To amend and reenact sections 7-0414 of the 1949 supplement to the North Dakota Revised Code of 1943 and 7-0416 of the North Dakota Revised Code of 1943 pertaining to advancement of funds to protect liens and to limitation of loans by building and loan associations.

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

§ 1. AMENDMENT.) Section 7-0414 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7-0414. ADVANCEMENT OF FUNDS TO PROTECT LIENS.) Any association may advance funds or make additional loans to members from time to time for maintenance, repairs, modernization and improvement of real estate, on which the association owns a first mortgage lien, up to the original amount of said mortgage or twenty five hundred dollars, whichever may be the lesser, with or without changing the terms of said mortgage, and may carry such advances or loans upon its books as assets of the association, provided the said first mortgage by its terms reserves in the association the right to make such advances or additional loans and provided further that such advances or loans are used for the purpose stated herein. Such advances or loans shall be deemed to be merged, incorporated in and become a part of and secured by said first mortgage and the association shall have a good and valid first lien against such real estate and the pledged shares of such member to secure the payment of funds so advanced or loaned.

§ 2. AMENDMENT.) Section 7-0416 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7-0416. LIMITATION OF LOANS.) It shall be unlawful for any association, the assets of which do not exceed fifty thousand dollars, to make loans exceeding five thousand dollars in the aggregate upon any one piece of property. If its assets exceed fifty thousand dollars but do not exceed one hundred thousand dollars, it shall be unlawful for it to make loans exceeding seven thousand five hundred dollars in the aggregate upon any one piece of property. If its assets exceed one hundred thousand dollars but do not exceed two hundred thousand dollars, it shall be unlawful for it to make loans exceeding ten thousand dollars in the aggregate upon any one piece of property. If its assets exceed two hundred thousand dollars but do not exceed five hundred thousand dollars, it shall be unlawful for it to make loans exceeding fifteen thousand dollars in the aggregate upon any one piece of property. If its assets exceed five hundred thousand dollars, it shall be unlawful for it to loan to exceed three per cent of its assets upon any one piece of property. Any loan exceeding twenty thousand dollars, before being accepted and passed by any association, shall have the approval of an affirmative vote of two-thirds of the members of the board of directors of such association, and such vote shall be recorded. No loan upon any one piece of property in any event shall exceed one hundred thousand dollars.

Approved March 5, 1953.

CHAPTER 102

H. B. No. 721
(Fitch and Saumur)

DESTRUCTION OF BUILDING AND LOAN ASSOCIATION
RECORDS

AN ACT

To be incorporated in chapter 7-04 of title 7 of the North Dakota Revised Code of 1943 as section 7-0423 thereof, and pertaining to the destruction of records by building and loan associations.

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

§ 1.) That there be incorporated in chapter 7-04 of title 7 of the North Dakota Revised Code of 1943 as section 7-0423 thereof to read as follows:

7-0423. DESTRUCTION OF RECORDS.) No association shall be required to preserve its records of accounts or files for a longer period than six years next after the first day of January of the year following the final date of the termination of such accounts.

Approved March 4, 1953.

CORPORATIONS

CHAPTER 103

S. B. No. 144
(Knudson)
(By request)

REGISTRATION OF SECURITIES BY FIDUCIARIES

AN ACT

Relating to the registration, and handling of stocks, bonds, notes, debentures, and other securities by fiduciaries in a fiduciary capacity.

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

§ 1. REGISTRATION OF SECURITIES.) Any person or corporation holding any stock, bond, note, debenture, or any other security or property, the title to which may be registered, hereinafter referred to as a security, as executor, administrator, trustee, guardian, conservator, or in any other fiduciary capacity, may cause the same to be registered in his or its own name or in the name of a nominee without words indicating the fiduciary capacity in which such security is held, provided:

1. The accounts and records of such person or corporation at all times clearly show that such security was held by such person or corporation in such fiduciary capacity;
2. Said security is kept separate and apart from the property held by such person or corporation in his or its own right or in any other fiduciary capacity;
3. Such fiduciary at all times has possession of such security and, if registered in the name of a nominee, before or promptly after such registration, secures from the nominee all such instruments as may be necessary to transfer the same without any further act of such nominee; and
4. The fiduciary shall be liable individually and in his or its own right for any loss resulting to the fiduciary estate because said security was so registered instead of being registered in his or its name as such beneficiary.

§ 2. NOMINEE.) A corporation acting as one of two or more fiduciaries, with the consent of its cofiduciary or cofiduciaries, who are hereby authorized to give such consent, may register

a security held by said fiduciaries in the name of its nominee, subject in all respects to the requirements, provisions and liabilities set forth in section 1 of this Act.

Approved March 6, 1953.

CHAPTER 104

S. B. No. 143
(Knudson)
(By request)

REGISTRATION OR TRANSFER OF SECURITIES TO OR BY
FIDUCIARIES OR THEIR NOMINEES

AN ACT

Relating to the registration or transfer of securities to or by fiduciaries or their nominees.

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

§ 1. REGISTRATION OR TRANSFER OF SECURITIES.) If a fiduciary or the nominee of a fiduciary in whose name are registered or to be registered any shares of stock, bonds or other securities of any corporation, public or private, or company or other association, or of any trust, applies for the registration or transfer of the same, such corporation or company or other association, or any managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary or nominee is committing a breach of his obligation as fiduciary or nominee in making such registration or transfer, or to see to the performance of the fiduciary obligation, and is liable for such registration or transfer only where such registration or transfer is made with actual knowledge that such fiduciary or nominee is committing a breach of trust in requesting such registration or transfer, or with knowledge of such facts that its or their participation in such registration or transfer amounts to bad faith.

§ 2. DEFINITIONS.) "Fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public administrator, nominee, or any other person acting in a fiduciary capacity for any person, trust or estate.

Approved March 6, 1953.

CHAPTER 105

S. B. No. 191
(Morgan)

DESIGNATION OF INDUSTRIAL COMMISSION AS AGENCY TO
RECEIVE ASSETS OF THE N. D. RURAL REHABILITATION
CORPORATION

AN ACT

Designating the industrial commission of North Dakota as the agency of the state to receive the assets of the North Dakota rural rehabilitation corporation in event such corporation is dissolved, and authorizing such commission to enter into agreement with the secretary of agriculture concerning any of such assets as have been returned to the corporation or are held by the secretary of Agriculture for administration pursuant to agreement between the secretary of agriculture and the North Dakota rural rehabilitation corporation under the provisions of Public Law 499 of the 81st Congress, dated April 3, 1950.

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

§ 1.) That the industrial commission of North Dakota be and it hereby is designated the agency of the state to receive the assets of the North Dakota rural rehabilitation corporation in the event such corporation is dissolved, including all properties that have been returned or may be returned to the North Dakota rural rehabilitation corporation by the secretary of agriculture upon the application of the corporation pursuant to the provisions of public law 499 of the 81st Congress, dated April 3, 1950, including also such assets as have again been transferred or may hereafter be transferred to the secretary of agriculture for administration pursuant to agreement between the North Dakota rural rehabilitation corporation and the secretary of agriculture under the provisions of said public law 499 of the 81st Congress, dated April 3, 1950; and the said industrial commission of North Dakota is hereby authorized to enter into any agreement with the secretary of agriculture that may be required with respect to the administration of the assets they so receive.

§ 2.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1953.

CHAPTER 106

H. B. No. 578

(Holand, Thompson, Haugen, Bourgois)

(Hofstrand and Roen)

DEFINING "RURAL AREA" AS USED WITH ELECTRIC
COOPERATIVE CORPORATIONS

AN ACT

To amend and reenact sub-section 8 of section 10-1301 of the North Dakota Revised Code of 1943, defining the phrase "rural area."

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

§ 1. AMENDMENT.) Sub-section 8 of section 10-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

8. "Rural area" means any areas not included within the boundaries of an incorporated or unincorporated city or village having a population in excess of twenty-five hundred inhabitants at the time a corporation commences to operate electric facilities or to furnish electric energy in such an area, and includes both the farm and nonfarm population thereof; and no change thereafter in the population of a rural area, as defined herein, regardless of the reason for such change, shall operate to affect in any way its status as a rural area for the purposes of this chapter and of chapter 57-33.

Approved March 5, 1953.

CHAPTER 107

H. B. No. 577

(Holand, Thompson, Hagen, Bourgois)

(Hofstrand and Roen)

POWERS OF ELECTRIC COOPERATIVE CORPORATIONS

AN ACT

To amend and reenact sub-section 4 of section 10-1309 of the North Dakota Revised Code of 1943, as amended by chapter 108, Session Laws of 1951, relating to powers of electric cooperative corporations.

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

§ 1. AMENDMENT.) Sub-section 4 of section 10-1309 of the North Dakota Revised Code of 1943, as amended by chapter 108, session laws of 1951, is hereby amended and reenacted to read as follows:

4. To generate, manufacture, purchase, acquire, and accumulate electrical energy and to transmit, distribute, sell, furnish, and dispose of such electrical energy to its members, and to other persons not in excess of ten per centum of the number of its members, provided, however, that a corporation which acquires existing electrical facilities may continue service to persons, not in excess of twenty per centum of the number of its members, who are already receiving service from such facilities without requiring such persons to become members but such persons may become members upon such terms as may be prescribed in the by-laws.

Approved March 5, 1953.

CHAPTER 108

H. B. No. 557
(Legislative Research Committee)
(at the request of the Secretary of State)

FILING OF APPLICATION AND VARIOUS CERTIFICATES
OF FOREIGN CORPORATIONS

AN ACT

To amend and reenact sections 10-1705, 10-1714, 10-1722, 10-1725, 10-1728 and 10-1730 and to repeal section 10-1708 and subsection 8 of section 10-1731 of the North Dakota Revised Code of 1943, relating to the filing of foreign corporation certificates, and declaring an emergency.

§ 1. AMENDMENT.) Section 10-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1705. APPLICATION FOR CERTIFICATE OF AUTHORITY; CONTENTS; FILING WITH SECRETARY OF STATE.) A foreign corporation wishing to do business in this state shall make an application to the secretary of state for a certificate of authority. The application shall be made on forms prescribed and furnished by the secretary of state and shall be executed and acknowledged by the president or a vice president of the foreign corporation, and by its secretary or an assistant secretary, and shall set forth:

1. The name of the corporation and the name of the state or country under the laws of which it is organized;
2. If the name of the corporation does not comply with the provisions of section 10-1704, the name of the corporation with the word or abbreviation which it agrees to add thereto for use in this state;
3. The date of its incorporation and the period of its duration;
4. The address of its principal office in the state or country under the laws of which it is organized;
5. The address of its proposed registered office and the names of its proposed registered agent in this state;
6. That it irrevocably consents to the service of process upon it as set forth in section 10-1733, or any amendment thereto;

7. The names and addresses of its directors and officers;
8. A statement of the aggregate number of shares having par value and of shares without par value which it has authority to issue, itemized by classes and series;
9. A statement of the aggregate number of its issued or allotted shares having par value and of shares without par value, itemized by classes and series; and
10. A statement that the officers executing the application have been authorized to do so by the board of directors of the corporation.

The application for a certificate of authority, and a certified copy of the articles of incorporation of the foreign corporation, together with a certificate to the effect that the charter of the corporation has not been cancelled and the corporation is in good standing and duly authorized to transact business shall be delivered to the secretary of state.

§ 2. AMENDMENT.) Section 10-1714 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1714. AMENDED CERTIFICATE OF AUTHORITY: WHEN ISSUED.) If a foreign corporation changes the address of its registered office, its name, or the duration of its corporate existence, the secretary of state, after instruments with reference to such change shall have been filed in his office and all fees and charges have been paid as required by law, shall issue and record an amended certificate of authority.

§ 3. AMENDMENT.) Section 10-1722 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1722. CERTIFICATE OF WITHDRAWAL: ISSUANCE; EFFECT.) If the secretary of state finds that the application for withdrawal from the state filed by a foreign corporation conforms to the provisions of this chapter and that all license fees, filing fees, and other charges against the corporation have been paid as required by law, he shall file the same in his office and shall issue and record a certificate of withdrawal. Upon the issuance of the certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

§ 4. AMENDMENT.) Section 10-1725 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1725. CERTIFICATE OF REVOCATION: DUTY OF SECRETARY OF STATE; EFFECT OF.) Upon revoking the certificate of authority of a foreign corporation, the secretary of state shall:

1. Issue a certificate of revocation in duplicate;
2. Mail a notice and a certificate of revocation to such corporation at its principal office in the state or country under the laws of which it is organized; and
3. Mail a notice of revocation to such corporation at its registered office in this state.

Upon the issuance of the certificate of revocation, the authority of the corporation to transact business in this state shall cease.

§ 5. AMENDMENT.) Section 10-1728 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1728. JUDGMENT CANCELLING CERTIFICATE OF AUTHORITY OF FOREIGN CORPORATION: FILING.) The attorney general shall cause a certified copy of a judgment canceling a certificate of authority of a foreign corporation to be delivered to the secretary of state. The secretary of state shall file the copy in his office.

§ 6. AMENDMENT.) Section 10-1730 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1730. CERTIFICATE OF REINSTATEMENT OF FOREIGN CORPORATION: DUTY OF SECRETARY OF STATE; RECORDING.) Upon the filing of an application for reinstatement and upon the payment of all penalties, fees, and charges required by law, not including, however, any initial license fee or additional license fees, to the extent that the same have been paid by the applying corporation, the secretary of state shall reinstate the license of such corporation, and issue and record a certificate of reinstatement.

§ 7. REPEAL.) Section 10-1708 and subsection 8 of section 10-1731 of the North Dakota Revised Code of 1943 are hereby repealed.

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

Approved March 11, 1953.

CHAPTER 109

H. B. No. 715
(Larson of Burleigh and Brown)
(By request)

PLACE OF REGISTERED OFFICE OF FOREIGN CORPORATION
IN NORTH DAKOTA

AN ACT

To amend and reenact subsection 1 of section 10-1710 of the North Dakota Revised Code of 1943 providing for the place of registered office in North Dakota of a foreign corporation.

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

§ 1. AMENDMENT.) Subsection 1 of section 10-1710 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

1. A registered office in this state which may, but need not, be the same as its place of business in this state; and

Approved March 4, 1953.

COUNTIES

CHAPTER 110

S. B. No. 180
(Nordhougen and Duffy)

TERM OF OFFICE OF SHERIFF

AN ACT

To amend and reenact section 11-0807 and to repeal section 11-1501 of the North Dakota Revised Code of 1943, relating to the term of office of sheriff.

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

§1. AMENDMENT.) Section 11-0807 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0807. APPOINTIVE OFFICERS: COUNTY COMMISSIONERS ELECTED; TERMS OF OFFICE; HOW VACANCY FILLED.) Each county officer mentioned in section 11-0806, except the members of the board of county commissioners, who shall be elected in the manner provided in section 11-1102, shall be appointed by the board of county commissioners and shall hold office for a term of four years, except as otherwise provided in this chapter, and until his successor is duly appointed and qualified. The treasurer shall not hold office for more than four years in succession. Any vacancy resulting from any cause shall be filled by the board of county commissioners.

§ 2. REPEAL.) Section 11-1501 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1953.

CHAPTER 111

H. B. No. 620

(Brown of Burleigh)

(at the request of the State Examiner)

SALARIES AND EXPENSES OF COUNTY COMMISSIONERS

AN ACT

To amend and reenact subsection 3 of section 11-1010 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to salaries of county officers and repealing section 11-10101 of the 1949 Supplement to the North Dakota Revised Code of 1943, and declaring an emergency, and making the provision of this Act retroactive to January 1, 1953.

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

§ 1. AMENDMENT.) That subsection 3 of section 11-1010 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1010. SALARIES OF COUNTY OFFICERS.)

3. Each county commissioner shall be allowed the sum of eight dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, and an allowance for each meal consumed while any such meeting of the board of county commissioners continues in session, provided that no more than three meals shall be charged and collected for in any twenty-four hour period, and actual lodging expense of not to exceed four dollars for each night's lodging necessarily required while any such meeting of the board of county commissioners continues in session, and shall not be entitled to any allowance for meals or lodging while performing official duties in the county wherein he resides other than the attendance at meetings of the board of county commissioners of which he is a member as herein provided. Claims for meals and lodging as herein provided shall be covered by a sub-voucher or receipt as provided by section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. If a meeting of a board of county commissioners is of more than one day's duration, a county commissioner may charge for and collect mileage or other transportation expense for travel actually made in going to his home and returning therefrom for each overnight period that the meeting may remain in session, but shall not be entitled to charge and collect for an evening

meal on the date of going to his home or a morning meal on the date of his return. Each county commissioner while engaged in official duties outside of the county of which he is a resident shall be allowed board and lodging as provided in section 44-0804 of the 1949 Supplement to the North Dakota Revised Code of 1943 as now constituted or hereafter amended upon claims therefor properly itemized and supported by sub-voucher or receipt as provided in section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. For the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any 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. Each county commissioner while performing official duties shall be allowed his actual transportation expenses not in excess of the amounts provided in section 11-1015 of the 1949 Supplement to the North Dakota Revised Code of 1943 as now in effect or hereafter amended, and when such transportation is furnished by rail or other common carrier including regularly scheduled airlines, such claims shall comply in all respects with section 21-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943. No county commissioner residing within the corporate limits of the county seat may charge for and collect for mileage or other sums in lieu thereof, or for meals and lodging, for attending any meeting of the board of county commissioners of which he is a member or for attending any statewide meeting of the North Dakota county commissioners association held in the county seat where he resides. Total compensation and expenses, including per diem, board and lodging, and transportation expense, received by any member of a board of county commissioners shall be charged to and paid from the general fund of the county only and shall not exceed for each fiscal year the following amounts: In counties having a population of eight thousand or less, one thousand four hundred dollars (\$1,400.00); in counties having a population of over eight thousand and less than fifteen thousand, two thousand one hundred and fifty dollars (\$2,150.00); and in counties having a population of over fifteen thousand, two thousand seven hundred dollars (\$2,700.00), and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census.

§ 2. RETROACTIVE.) The provisions of this act shall be construed as authorizing the compensation herein provided for from and after January 1, 1953.

§ 3. SAVING CLAUSE.) If any section, clause or provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

§ 4. REPEAL.) Section 11-10101 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

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

Approved February 27, 1953.

CHAPTER 112

H. B. No. 819
(Anderson of Richland and Esterby)

COUNTY OFFICERS SALARIES FOR 1953, 1954 AND 1955

AN ACT

To amend and reenact section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, relating to salaries of county auditors, county treasurers, sheriffs, county superintendents of schools, registers of deeds, county judges, state's attorneys, and clerks of the district court during the years 1953, 1954, and 1955, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

11-10102. SALARIES FOR COUNTY OFFICERS FOR 1953, 1954 AND 1955.) For the calendar years 1953, 1954 and 1955 the county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney and clerk of the district court in each county shall receive the following annual salary payable monthly for official services rendered:

1. Two thousand nine hundred dollars in counties having a population not exceeding four thousand five hundred;

2. Three thousand two (*one) hundred dollars in counties having a population exceeding four thousand five hundred and not exceeding six thousand;
3. Three thousand two hundred dollars in counties having a population exceeding six thousand and not exceeding eight thousand;
4. Three thousand two hundred dollars in counties having a population exceeding eight thousand population plus additional compensation of sixty-eight dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of forty-one hundred dollars;
5. In counties having a population in excess of thirty thousand the sum of four thousand five hundred dollars;
6. In counties having a county court of increased jurisdiction and a population of not to exceed fifteen thousand the county judge shall receive the sum of four thousand dollars;
7. In counties having a county court of increased jurisdiction and a population in excess of fifteen thousand but not in excess of forty thousand population the county judge shall receive the sum of four thousand five hundred dollars.
- 8.. In counties having a county court of increased jurisdiction and a population in excess of forty thousand the county judge shall receive the sum of six thousand six hundred dollars.

Provided that all fees, collected by judges of county courts of increased jurisdiction in counties having a population in excess of forty thousand, for certified copies of public records shall be paid over by such county judge to the county treasurer to be credited to the general fund of the county. The salaries provided in this Act shall be the only salaries paid to such officers by the county and the salary provided for the county superintendent shall be full compensation for services rendered as superintendent of schools and as secretary of the county school district reorganization committee.

This section shall not be construed to constitute either an amendment or a repeal of any of the provisions of section 11-1010 of the North Dakota Revised Code of 1943, or section 27-0808 of the 1949 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said sections during the calendar years 1953, 1954, and 1955, and those

years only. The provisions of this section authorizing increase in salaries as herein provided shall be retroactive to January 1, 1953, and shall be based upon the population figures established by the last federal census.

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

Approved March 11, 1953.

*Senate and house journals show that a conference committee report, adopted by senate and house, approved a salary of "three thousand one hundred dollars" in lieu of "three thousand two hundred dollars." (S.J. page 783; H.J. page 1085).

CHAPTER 113

S. B. No. 179
(Committee on Judiciary)

FEES OF REGISTER OF DEEDS

AN ACT

To fix the fees to be charged by registers of deeds and repealing sections 11-1805 and 35-0306 of the North Dakota Revised Code of 1943.

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

§ 1. **FEES OF REGISTER OF DEEDS.**) The register of deeds shall charge and collect the following fees:

- A. For recording an instrument affecting title to real estate,
1. Quit claim deed, one dollar and twenty-five cents;
 2. Warranty deed, one dollar and fifty cents;
 3. County deed to purchaser, one dollar and fifty cents;
 4. Sheriff's deed, administrator's deed, executor's deed, trustee's deed, or other deed executed by a fiduciary, two dollars;
 5. Oil and gas royalty deed or mineral deed, one dollar and seventy-five cents;
 6. Oil and gas lease or mineral lease, three dollars;

7. Release or assignment of mortgage describing one mortgage, one dollar, for each additional mortgage described therein twenty-five cents;
 8. Mortgage, one dollar and fifty cents;
 9. Release or assignment of oil and gas lease describing one oil and gas lease, one dollar and fifty cents, for each additional oil and gas lease described therein, twenty-five cents;
 10. Power of attorney, one dollar and fifty cents;
 11. Notice of lis pendens, one dollar and fifty cents, discharge of the same, one dollar;
 12. Certificate from the register of United States land office, one dollar.
 13. Patent issued by the United States or the state of North Dakota, one dollar and fifty cents;
 14. Farm name, one dollar and fifty cents;
 15. Cancellation of farm name, one dollar;
 16. Certified copy of judgment, one dollar and fifty cents;
 17. Declaration of homestead or statement of lien thereon, one dollar and fifty cents;
 18. Certified copy of death certificate, two dollars;
 19. If any such document contains more than one acknowledgment a fee of twenty-five cents for each additional acknowledgment shall be charged.
 20. For any other document, one dollar for the first four hundred words, and fifteen cents for each additional folio;
 21. If any of the above documents shall exceed five hundred words in length, an additional fee of fifteen cents for each additional folio shall be charged;
- B. For filing an instrument relating to personal property:
1. Chattel mortgage, crop mortgage, conditional sale contract, assignment of chattel mortgage, assignment of conditional sale contract, renewal of chattel mortgage, bill of sale, thresher's lien, farm laborer's lien, seed lien, repair lien, service lien, and any other chattel lien not specifically mentioned herein, fifty cents; but no fee shall be charged for releasing the same;

- C. For making or continuing an abstract of title to real property the same fee as is permitted to be charged by an abstractor according to law;
- D. For making or continuing a certified chattel abstract, twenty cents for each entry, and one dollar for a certificate to such abstract;
- E. For recording a brand or trade-mark, one dollar;
- F. For recording a certificate or license to do business, or cancellation, two dollars;
- G. For recording a claim or location certificate by discoverer of a mine lode, two dollars;
- H. For recording a license issued by the state board of nurse examiners, state board of chiropractic examiners, state board of dental examiners, state board of medical examiners, two dollars;
- I. For a certificate and seal, fifty cents, but no charge shall be made for a certificate and seal in filing and recording an instrument presented for record;
- J. For making a certified copy of a recorded instrument the same as charged for recording same;
- K. For filing and indexing any instrument not specified in this section, the filing of which is authorized by law, one dollar.

§ 2. REPEAL.) Sections 11-1805 and 35-0306 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 12, 1953.

CHAPTER 114

H. B. No. 770
(Langseth and Anderson, Eddy-Foster)

AUTHORIZING SHERIFF OR HIGHWAY PATROLMAN AT SITE
OF HIGHWAY FATALITY TO CALL NEAREST COUNTY
CORONER AND LATTER TO ACT ALTHOUGH NOT
IN HIS RESPECTIVE COUNTY

AN ACT

Authorizing any sheriff or highway patrolman at the site of a highway fatality to call the nearest available county coroner to view the body of a deceased person, and to authorize the coroner so called to act officially whether or not such site is located within the county of which he is the coroner.

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

§ 1.) Whenever a county sheriff or a duly appointed, qualified and acting highway patrolman of this state appears at the site or scene of the death of a human being upon or near a highway, whether such death appears to have resulted from an automobile accident or from some other cause, he is hereby authorized to call the nearest available county coroner to view the body.

§ 2.) The county coroner so called shall immediately view the body and take such official action as may appear to him to be necessary in the premises, and he is hereby authorized so to do if the site of such fatality is not within the county for which he was elected or appointed.

Approved March 10, 1953.

CHAPTER 115

S. B. No. 234
(Freed and Nordhougen)
(at the request of the)
(North Dakota Society of Professional Engineers)
(and County Engineers Association)

EMPLOYMENT OF COUNTY SURVEYORS

AN ACT

Relating to county surveyors; providing for employment, compensation, and term of service; permitting consolidation of such office with the office of county highway engineer; repealing sections 11-2016 and 24-0506 and subsection 8 of section 11-1002 of the North Dakota Revised Code of 1943; and continuing terms of office of present elective county surveyors for such elective terms.

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

§ 1. EMPLOYMENT OF COUNTY SURVEYORS.) The board of county commissioners may employ a county surveyor to serve at the pleasure of the board and such surveyor may be compensated on a per diem basis or otherwise as may be determined by the board. The office of county surveyor may be combined with the office of county highway engineer.

§ 2. REPEAL.) Sections 11-2016 and 24-0506 and subsection 8 of section 11-1002 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 3. SAVING CLAUSE.) The term of office of any county surveyor now holding office by election shall continue until the expiration of such elective term, notwithstanding the adoption of this Act.

Approved March 7, 1953.

CHAPTER 116

S. B. No. 193

(Sayer, Foss and O'Brien)

(by request of)

(North Dakota County Commissioners' Association)

(Board of County Park Commissioners)

COUNTY PARKS AND RECREATIONAL CENTERS

AN ACT

Providing for the creation of county parks and recreational areas; providing for the appointment of a board of county park commissioners and prescribing its powers and duties; providing for the regulation, control and management of such parks and recreational areas and lands adjacent thereto; providing for the levying of taxes for the expenses and activities in connection therewith; and repealing chapter 11-28 of the North Dakota Revised Code of 1943.

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

§ 1. BOARD OF COUNTY PARK COMMISSIONERS; APPOINTMENT BY COUNTY COMMISSIONERS; NUMBER.) The members of the board of county commissioners and two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.

§ 2. ELIGIBILITY FOR APPOINTMENT; TERM; VACANCY; COMPENSATION.) Any resident citizen of the county, including county, city, village and township officers, shall be eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of one year, or until a successor is appointed and qualified. Any vacancy in such board shall be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board shall receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and in addition shall be entitled to reimbursement for actual necessary expenses incurred in the performance of such duties. The board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only shall be entitled to compensation for attendance at such concurrent meetings.

§ 3. COUNTY AUDITOR SHALL SERVE AS SECRETARY OF BOARD; COUNTY TREASURER SHALL SERVE AS TREASURER AND CUSTODIAN OF PARK FUNDS; STATES ATTORNEY SHALL ACT AS LEGAL ADVISER.) The county auditor shall serve as secretary of the board of county park commissioners, the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The states attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor, the county treasurer nor the states attorney shall receive any additional compensation for acting in their respective capacities.

§ 4. ORGANIZATION OF BOARD; QUORUM, MEETINGS.) Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet in the courthouse of the county and shall organize by selecting one of its members as chairman. Two-thirds of the members of the board shall constitute a quorum at any meeting thereof. The board shall hold such meetings as may be required for the transaction of its business and activities. Meetings shall be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of meeting; provided, however, that a meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board.

§ 5. POWERS AND DUTIES OF THE BOARD OF PARK COMMISSIONERS.) The board of county park commissioners shall have the power and it shall be its duty to:

1. Sue and be sued in the name of the board;
2. Accept on behalf of the county any and all lands and waters and any and all interests, easements or rights therein, and any gifts, grants, donations or trusts in money or property, or other assistance, financial or otherwise, from federal, state, municipal and other public or private sources for park and recreational purposes; and accept and assume the supervision, control and management of any privately owned property or recreational area, when the conditions of the offer for its public use are such as in the judgment of the board will be conducive to the best interests of the people of the county and state;

3. Cooperate and contract with the state or federal government or any department or agency thereof in furnishing assurances and meeting local cooperation requirements in connection with any project involving the construction, improvement, operation, maintenance, conservation or use of any park or recreational area under the jurisdiction, supervision, control and management of the board;
4. Regulate, supervise, control and manage all areas of land and water owned or held by the county or which may be, under written agreement, placed by an individual, a corporation, the federal, state or a municipal government or any department or agency thereof, under the jurisdiction, supervision, control and management of the board of county park commissioners for park or recreational purposes;
5. Promulgate, publish and impose rules and regulations concerning the uses to which such land and water areas may be put, including the regulation or prohibition of the construction, establishment or maintenance therein or thereon or within one-half mile thereof of any concession, dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and of any and all establishments of every name, nature or description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate or detrimental to the social usages of the area or areas for park and recreational purposes;
6. Regulate, supervise, control and manage all such land and water areas including all lakes, streams and ponds and all artificial bodies of water created by any water development or water conservation or flood control project of the county, state or federal government not under the jurisdiction, supervision or control of any other board, department or governing body;
7. Exercise full police power, supervision, control and management over such areas and the adjoining and adjacent lands within one-half mile thereof, and by regulations duly promulgated, published and imposed regulate or prohibit the construction, establishment, maintenance or operation within one-half mile of any such land or water area of any dance hall, dance parlor, dance pavilion, soft or hard drink parlor or bar, and any and all establishments of every name, nature and description which may, in the judgment of the board, be unsightly, noisome, improper, inappropriate or detrimental to the social usages of any land area or body of water so developed or created. The authority provided by these

subsections is intended to be exercised for the protection of the health, safety, good morals and general welfare of the people of the county and state to the fullest extent permissible under the police power of the county and state;

8. Prevent the pollution, contamination or other misuse of any water resource, stream or body of water under its jurisdiction, supervision, control or management;
9. Certify to the county auditor the amount of money necessary to meet the estimated expenses and costs of properly conducting its business and activities, including the operation, maintenance and improvement of the park and recreational areas under its jurisdiction, supervision, control or management for the ensuing year, such certificate to be filed with the county auditor not later than the first day of July each year. Such certificate shall be accompanied by an itemized budget statement showing the detailed expenditure program, as nearly as possible, of the board for the ensuing year.
10. Do all the things reasonably necessary and proper to preserve the benefits accruing from the park and recreational areas under the jurisdiction, supervision, control and management of the board of county park commissioners.

§ 6. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate and budget statement of the board of county park commissioners and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay the actual necessary expenses and activities program of the board of county park commissioners, including construction, improvement, repair, operation and maintenance of the park and recreational areas and their facilities under the jurisdiction, supervision, control and management of the board of county park commissioners, not exceeding one-fourth mill on each dollar of the taxable valuation of the county, which tax may be levied in excess of the mill limit fixed by law for taxes for general purposes. No levy in excess of one-fourth mill shall be made without approval of the eligible voters in the county at a special or general election. The county auditor shall credit the proceeds of such tax to the separate fund of the board of county park commissioners. This levy will not apply to cities or villages that already have a park levy.

§ 7. AUDITING AND PAYMENT OF BILLS.) All bills incurred by the board of county park commissioners shall be audited and recommended for payment by said board and shall be

certified to the county auditor who shall present them for audit and allowance by the board of county commissioners in the same manner as other bills of the county are audited and allowed. Upon the allowance of such bills they shall be paid out of the funds standing to the credit of the board of county park commissioners, from whatever source received, in the same manner in which other county obligations are usually paid.

§ 8. PUBLICATION OF RULES, REGULATIONS AND PROCEEDINGS.) All rules and regulations governing the use of county parks and recreational areas under the jurisdiction, supervision, control and management of the board of county park commissioners, and all proceedings of said board shall be published in the same manner as the proceedings of the board of county commissioners.

§ 9. VIOLATION OF ANY RULE OR REGULATION A MISDEMEANOR; PENALTY; INJUNCTION.) Violation of any rule or regulation of the board of county park commissioners shall be a misdemeanor and shall be punished by a fine of not to exceed \$25.00, or by imprisonment in the county jail for not to exceed ten days, or by both such fine and imprisonment, and in addition, the board of county park commissioners shall have remedy by injunction to enjoin the operation or maintenance of any establishment, concession or activity prohibited by the rules and regulations of the board.

§ 10. POLICE, CONSTABLES, SHERIFF TO ENFORCE ACT.) It shall be the duty of all police and constables and the sheriff and other peace officers to enforce the provisions of this Act and of the rules and regulations of the board of county park commissioners within their respective jurisdictions.

§ 11. DECLARATION OF POWER; SAVING CLAUSE.) It is the purpose of this act, among other things, to insure to the people of the state that the bodies of water, parks and recreational areas created by public agencies in whole or in part with public funds for the use and enjoyment of the public shall not be made the source of private gain through means inconsistent with the best social uses of the same, and to that end this Act shall be liberally construed. The provisions of this Act relating to the manner in which these objectives are to be accomplished do not form an inducement for its enactment. The powers herein granted to the board over private lands shall extend only so far as not prohibited by the state or federal constitutions. Should any word, sentence, paragraph or section hereof be held to be unconstitutional, or should the exercise of any of the powers herein granted be in any particular circumstances in violation of either the state or federal constitution, the remaining provisions would have been enacted even though

such provisions had been eliminated from the Act, hence invalidity of any part of this Act shall not affect the remainder of this Act, but the same shall continue to be in full force and effect as to all other provisions and all other circumstances within the limits of the constitution.

§ 12. REPEAL.) Chapter 11-28 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 18, 1953.

CHAPTER 117

H. B. No. 585
(Sorlie, McInnis and Wambheim)

WAR MEMORIALS; COUNTY LEVY LIMITATIONS

AN ACT

To amend and reenact chapter 113 of the North Dakota Session Laws of 1951, relating to war memorials; providing for a county levy and for limitations thereon and authorizing expenditures.

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

§ 1. AMENDMENT.) Chapter 113 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

11-3201. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION; TO MAKE LEVY.) The board of county commissioners of any county in this state of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II, or solely during World War II, and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may levy a tax not in excess of four mills on the dollar in any one year upon the assessed valuation of all property in the county, provided such levy shall be made not later than 1954 and shall terminate not later than 1957, which levy shall be in addition to and not restricted by the levy

limitations prescribed by law, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition. Nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both such funds.

Approved March 2, 1953.

CRIMES AND PUNISHMENT

CHAPTER 118

S. B. No. 267
(Committee on Judiciary)

PUNISHMENT FOR INDECENT LIBERTIES; PSYCHIATRIC TREATMENT OF PRISONERS

AN ACT

To amend and reenact section 12-3011 of the North Dakota Revised Code of 1943 as amended by chapter 117 of the 1951 Session Laws of the State of North Dakota, and providing for psychiatric treatment of prisoners.

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

§ 1. AMENDMENT.) Section 12-3011 of the North Dakota Revised Code of 1943 as amended by chapter 117 of the 1951 session laws is hereby amended and reenacted to read as follows:

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

§ 2. PSYCHIATRIC TREATMENT.) The board of pardons may cause any person convicted under chapter 12-30 of the North Dakota Revised Code of 1943, to be given psychiatric treatment or to be transferred to the state hospital for treatment according to such condition as may be prescribed by the board of pardons.

Approved March 11, 1953.

CHAPTER 119

H. B. No. 735

(Overbo, Nelson of Ramsey and Schuler)

MISUSE OF FRATERNAL AND OTHER EMBLEMS;
MISDEMEANOR

AN ACT

To amend and reenact section 12-3818 of the North Dakota Revised Code of 1943, relating to the misuse of fraternal and other emblems.

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

§ 1. AMENDMENT.) Section 12-3818 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-3818. MISUSE OF FRATERNAL AND OTHER EMBLEMS; MISDEMEANOR.) Every person who wilfully wears or attaches to any vehicle the badge, insignia, rosette, button or emblem of any fraternal, military or patriotic society, or any other society, order or organization, or uses the same or the name of any such society, order, or organization by falsely representing himself to be a member thereof in good standing, to obtain, or in attempting to obtain, aid or assistance within the state, or willfully uses the name of such society, order, or organization, or the titles of its officers, or uses its insignia or emblems, or the forms or designs thereof, or its ritual or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules, and regulations of such order, society, or organization, is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Approved March 7, 1953.

CHAPTER 120

H. B. No. 799
(Representative Bye)

PROPRIETOR OF PLACE OF BUSINESS RESPONSIBLE FOR
LEGALITY OF SALE OF TOBACCO FROM VENDING
MACHINES; PENALTY

AN ACT

Placing the responsibility for the legality of the sale of tobacco from vending machines upon the proprietor of the place of business; providing a penalty; provisions governing operation.

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

§ 1. The responsibility for the legality of the sale from vending machines of cigarettes or other tobacco products to persons prohibited from purchasing such products in section 12-4301 shall be upon the proprietor or operator of the place of business wherein such vending machine is located. Any proprietor or operator of a place of business wherein a cigarette or tobacco vending machine is located who allows sales of cigarettes or tobacco through such machine to persons prohibited from purchasing cigarettes or tobacco in section 12-4301 shall be punished in the manner provided in section 12-4309.

§ 2.) All cigarette or tobacco vending machines shall have a sign posted thereon giving notice that persons under the age limits provided in section 12-4301 shall be prohibited from purchasing cigarettes or tobacco from such machines.

Approved March 5, 1953.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 121

S. B. No. 138
(Judiciary Committee)

CONSENT FOR ADOPTION; HOW GIVEN

AN ACT

To amend and reenact section 14-1104 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the taking of consent for adoption.

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

§ 1. AMENDMENT.) Section 14-1104 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1104. CONSENT OF PARENT OR GUARDIAN OF MINOR, OR OF THE DIRECTOR OF THE DIVISION OF CHILD WELFARE, REQUIRED, AND HOW GIVEN; EXCEPTIONS.) A legitimate child cannot be adopted without the consent of its parent or parents, nor an illegitimate child without the consent of its mother, but the consent of a parent who has abandoned the child, or who cannot be found, or whose parental rights have been terminated as provided by law shall be dispensed with and consent may be given by the director of the division of child welfare of the public welfare board, or waived by order of the court. If the parental rights of one parent have been judicially terminated the consent of the other parent is sufficient. The consent of a parent who is insane or otherwise incapable of giving consent, may be dispensed with, and consent may be given by the guardian, if the child has a guardian, or if there is no guardian, by the director of the division of child welfare of the public welfare board. The consent of a parent who has lost custody of the child through divorce proceedings, or of the father of an illegitimate child shall not be required. Where any parent has for a period of five years or more failed to provide for the care of such child in any manner and has not attempted or offered to provide for such care, such failure on the part of the parent shall be considered as an abandonment. The consent by a parent must

be signed in the county where the parent is living or where the child was born before:

- a. A judge of a court having original jurisdiction in guardianship proceedings;
- b. A judge of the juvenile court;
- c. A juvenile commissioner;
- d. An American consul; or
- e. A commissioned officer of the legal department of the armed forces of the United States if the person giving consent is a member of the armed forces.

and after the acknowledging officer has explained to the parent the effect of the consent and has examined the parent and is satisfied that the consent is voluntary and is freely given. The minority of a parent is not ground for revoking consent. In all cases the reason for giving the consent must be stated in the consent. When the consent given by the director of the division of child welfare is based on an order terminating parental rights, a certified copy of the order must accompany the consent.

Approved March 12, 1953.

CHAPTER 122

S. B. No. 170
(Committee on Judiciary)

DEFAMATORY STATEMENTS BY RADIO BROADCASTS

AN ACT

Relating to defamation by radio.

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

§ 1. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by one other than such owner, licensee or operator, or agent or employee thereof.

Approved March 13, 1953.

CHAPTER 123

S. B. No. 86
(Judiciary Committee)

TORT ACTIONS; UNIFORM SINGLE PUBLICATION ACT

AN ACT

Relating to tort actions founded upon a single publication, exhibition, or utterance.

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

§ 1.) No person shall have more than one cause of action for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any one edition of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

§ 2.) A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in section 1 shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication or exhibition or utterance.

§ 3.) This Act shall be so interpreted as to effectuate its purpose to make uniform the law of those states or jurisdictions which enact it.

§ 4.) This Act may be cited as the uniform single publication act.

§ 5.) This Act shall not be retroactive as to causes of action existing on its effective date.

Approved March 13, 1953.

EDUCATION

CHAPTER 124

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

INVESTMENT OF FUNDS OF COMMON SCHOOLS AND OTHER PUBLIC INSTITUTIONS

AN ACT

To amend and reenact sections 15-0304 and 15-0307 of the North Dakota Revised Code of 1943, and section 15-0309 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the investment of funds of the common schools and other public institutions, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 15-0304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0304. INVESTMENT OF FUNDS; PURCHASE OF BONDS AND MORTGAGES; APPRAISAL.) Subject to the provisions of section 15-0305, the board of university and school lands shall invest the money belonging to the permanent funds of the common schools, the state university and school of mines, the state training school, the agricultural college, the school for the deaf and dumb of North Dakota, the state normal schools, and other permanent funds derived from the sale of original grant lands or from any other source, in the following securities:

1. Bonds of school corporations, counties, townships, and municipalities within the state;
2. Bonds issued for construction of drains within the state;
3. Bonds of the United States;
4. Bonds of the state of North Dakota; or
5. First mortgages on farm lands in this state to the extent such mortgages are guaranteed or insured by the United States or any instrumentality thereof, or if not so guaranteed or insured, not exceedng in amount one-half of

the actual value of any subdivision on which the same may be loaned such value to be determined by the board of appraisal of school lands.

§ 2. AMENDMENT.) Section 15-0307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0307. LIMITATIONS ON FARM LOANS.) Farm loans secured by a first mortgage shall be made only upon farm land in this state, and only to persons who are actual residents of this state. Loans shall not be made to any person in an amount exceeding twenty-five thousand dollars and shall not be made when the appraised valuation of the land is less than ten dollars an acre.

§ 3. AMENDMENT.) Section 15-0309 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0309. TERM, INTEREST, PAYMENT OF FARM LOANS.) If the mortgage on farm lands is guaranteed or insured by the United States or any instrumentality thereof it may run for a period of not more than forty years and the fund so invested shall bear interest at a rate not less than three per cent per annum. If the mortgage is not so guaranteed or insured it shall be for a period of not more than twenty years and the funds so invested shall bear interest at a rate not less than three and one-half per cent per annum. The principal and interest shall be payable to the commissioner of university and school lands at Bismarck, North Dakota and the interest shall be payable annually or at shorter intervals. The payment of such mortgage, both principal and interest, may be amortized over the period of such mortgage. The commissioner shall report and pay into the state treasury daily all collections of principal and interest payments. The borrower shall have the option of paying ten per cent of the principal or any multiple thereof at any interest paying date. Any mortgage may be satisfied at any interest paying date on payment of the entire amount of the indebtedness. When the interest is paid it shall become a part of the interest and income fund.

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

Approved March 11, 1953.

CHAPTER 125

S. B. No. 54
(Legislative Research Committee)
(at the request of)
(State Land Department)

FARM LOAN INVESTMENTS BY BOARD OF UNIVERSITY
AND SCHOOL LANDS

AN ACT

To amend and reenact section 15-0309 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to investment in farm loans by the board of university and school lands.

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

§ 1. AMENDMENT.) Section 15-0309 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0309. TERM, INTEREST, PAYMENT OF FARM LOANS.) First mortgages on farm lands shall be for a period of not more than forty years, and the funds so invested shall bear interest at the rate of not less than three per cent per annum. The principal and interest shall be payable to the commissioner of university and school lands at Bismarck, North Dakota, the interest to be payable annually. The commissioner shall report and pay into the state treasury daily, all collections of principal and interest payments. The borrower shall have the option of paying ten per cent of the principal, or any multiple thereof, at any interest paying date. Any mortgage may be satisfied at any interest paying date on payment of the entire amount of the indebtedness. When the interest is paid, it shall become a part of the interest and income fund.

Approved March 11, 1953.

CHAPTER 126

S. B. No. 152
(Freed by request)

SALE AND CONVEYANCE OF STARK COUNTY LAND BY
BOARD OF HIGHER EDUCATION

AN ACT

Authorizing the state board of higher education to sell and convey sixty eight and nine tenths acres, more or less, of section five, township one hundred thirty nine north, range ninety six west in Stark County, North Dakota, and declaring an emergency.

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

§ 1.) It is hereby determined that the property hereinafter described is no longer suitable for the purpose of an experiment farm because of its isolated situation and that it will be advantageous to the state to dispose of the same now when the property is being sought as a site for an industrial area and the proceeds used to purchase land more suitable for experimental purposes or otherwise used to promote agricultural experimentation.

§ 2.) The state board of higher education, with the approval of the governor and the attorney general, is hereby authorized to sell and convey the property described as follows, to-wit: all that part of the south half of the south half of section five, township one hundred thirty nine north, range ninety six west of the fifth P. M., Stark County, State of North Dakota, said tract of land being bounded on the north side by the right-of-way for a state highway two hundred feet in width, lying one hundred feet on each side of the following described center-line: Beginning at a point on the east line of said section five, said point being four thousand one hundred fifty two feet south of the northeast corner of said section five; thence on a bearing of north eighty nine degrees twenty four minutes west a distance of eight hundred fifty six and one tenth feet; thence on a one degree curve to the left a distance of one thousand six hundred seventy three and three tenths feet; thence on a bearing of south seventy three degrees fifty two minutes west a distance of two thousand five hundred sixty two and four tenths feet; thence on a one degree curve to the right to the point where such curve intersects the west line of said section five; and bounded on the south side by the south line of said section five; and the north line of the right-of-way of the

Northern Pacific Railway Company right-of-way, as the same is surveyed, platted, and extended across the said south half of the south half of section 5, excepting therefrom a tract of land in the southwest quarter of the southwest quarter of said section five, embracing two acres, owned by one Frank Hurish and recorded and described on page one hundred twenty-five of book fifty-five, register of deeds for Stark County. The tract described contains sixty-eight and nine tenths acres, more or less, and is subject to road rights-of-way and easements of record. Such land shall be sold in its entirety as a unit at public auction or under sealed bids to the highest responsible bidder, except that the board of higher education shall have the power to reject any and all bids where such bids are deemed inadequate.

§ 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 February 28, 1953.

CHAPTER 127

H. B. No. 807
(Siverson and Poling)

RELOCATION OF WILLISTON EXPERIMENT STATION

AN ACT

Providing for the relocating of the Williston experiment station, sale of portion of lands used by the experiment station, and reserving portion of said lands to be held for educational purposes, and declaring an emergency.

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

§ 1. PURPOSE.) It is hereby determined that the lands hereinafter described are no longer suitable for experiment station purposes and are urgently needed for the further development and expansion of the city of Williston and can be sold advantageously at this time.

§ 2. AUTHORIZE RELOCATION OF WILLISTON EXPERIMENT STATION.) The board of higher education is hereby authorized and directed to effect the relocation of the Williston experiment station from its present site to a suitable location which shall

be selected by the state board of higher education and which shall comprise not less than 320 acres and not more than 480 acres. Such experiment station shall be under the direction of the state board of higher education and shall be operated in connection with the North Dakota agricultural college.

§ 3. PARTIAL SALE OF PRESENT SITE AUTHORIZED; USE OF FUNDS.) The following described state-owned lands comprising a part of the Williston experiment station shall be sold under the supervision and the direction of the state board of higher education:

S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ -SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 154 North, range 101, West of the 5th P. M.

Such sale shall be made in compliance with chapter 302 of the session laws of 1951. The board of higher education shall have the authority to plat said property and dedicate streets and right of ways for public use. That such incidental expenses as may be incurred through the sale of such land, such as platting, advertising or other necessary expenses, may be paid out of the income from such sale. The funds derived from such sale shall be used by the board of higher education for the purpose of relocating the Williston experiment station in Williams County including the purchase of lands, erection of buildings, and other incidental and necessary expenses not to exceed \$250,000.00. Any funds received over that amount by reason of sale of said lands shall be retained by the board of higher education in a special fund, the disposition of which shall be determined by future legislative action.

§ 4. RETENTION AND USE OF LANDS NOT SOLD.) The remaining lands comprising such experiment station shall be held in the name of the state of North Dakota and shall be used for educational purposes.

§ 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 14, 1953.

CHAPTER 128

S. B. No. 46
(Legislative Research Committee)

REPEAL OF SALARY OF STATE GEOLOGIST AND
DEPUTY STATE GEOLOGIST

AN ACT

To repeal section 15-1110 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the salary of state geologist and deputy state geologist.

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

§ 1. REPEAL.) Section 15-1110 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 28, 1953.

CHAPTER 129

S. B. No. 252
(Appropriations Committee)

PAYMENT OF ARTIFICIAL ICE EQUIPMENT FROM THE
UNIVERSITY ATHLETIC GATE RECEIPTS

AN ACT

Authorizing the athletic department of the university to pledge future gate receipts to pay for artificial ice equipment on the university campus.

§ 1.) The university of North Dakota is authorized to pledge future hockey admission receipts to repay any loan or loans made for the purpose of remodeling buildings and purchasing and installing artificial ice equipment for hockey and skating purposes at the university.

Approved March 13, 1953.

CHAPTER 130

H. B. No. 717

(Schmalenberger, Gress, Sticka, Maher, Roen)

ESTABLISHMENT OF VETERINARY DIAGNOSTIC LABORATORY
AT NORTH DAKOTA AGRICULTURAL COLLEGE

AN ACT

To create and establish a veterinary diagnostic laboratory to be located at the North Dakota Agricultural College at Fargo, under the supervision and direction of the North Dakota Agricultural College, providing for conducting diagnosis of farm and domestic animals and poultry suspected of having diseases.

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

§ 1.) There is hereby created and established a veterinary diagnostic laboratory to be located at the North Dakota agricultural college at Fargo.

§ 2.) Said veterinary diagnostic laboratory shall be under the supervision and direction of the North Dakota agricultural college.

§3.) Said veterinary diagnostic laboratory shall conduct diagnosis of farm and domestic animals and poultry suspected of having diseases and make reports thereon.

Approved March 14, 1953.

CHAPTER 131

H. B. No. 775

(Nygaard, Freadhoff, Anderson of Ransom)

MILEAGE AND TRAVEL EXPENSE OF
COUNTY SUPERINTENDENT

AN ACT

To amend and reenact section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by the 1951 Session Laws relating to mileage and travel expense of county superintendents.

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

§ 1. AMENDMENT.) Section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by the 1951 session laws is hereby amended and reenacted to read as follows:

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

Approved March 5, 1953.

CHAPTER 132

H. B. No. 683
(Esterby)

COMPENSATION AND MILEAGE FOR COMMON
SCHOOL OFFICERS

AN ACT

To amend and reenact subsection 2 of section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 129 of the 1951 Session Laws, relating to compensation and mileage of common school district officers.

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

§ 1. AMENDMENT.) Subsection 2 of section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 129 of the 1951 session laws is hereby amended and reenacted to read as follows:

2. In districts containing more than four townships and in which ten or more schools are operated, a school board member shall receive six dollars for each meeting attended and mileage at the rate of seven and one-half cents for each mile actually and necessarily traveled to and from such meetings. In addition each board member shall be allowed each year one compensated visit to the schools in his district. For making such visits each board member shall receive four dollars per diem plus his actual and necessary expenses, but not to exceed forty dollars.

Approved March 10, 1953.

CHAPTER 133

H. B. No. 678
(Engen, Sortland, and Simenson)

ADMISSION OF PUPILS FROM OTHER COMMON SCHOOL
DISTRICTS; TUITION

AN ACT

To amend and reenact section 15-2511 and section 15-29082 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the admission of pupils from other districts; tuition.

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

§ 1. AMENDMENT.) Section 15-2511 and section 15-29082 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

15-2511. PUPILS: ADMISSION OF FROM OTHER DISTRICTS; DISTRIBUTION WITHIN DISTRICTS; TUITION.) The school board shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil, or if such parent or guardian is a tenant, then to the extent that the landlord pays school taxes in that district. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience and is approved by the county superintendent of schools, the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds. The board may admit to the schools in the district pupils residing in unorganized territory adjacent to the district and may arrange with the parents or guardians of such pupils for the payment of tuition. The board shall not refuse school privileges to, nor collect tuition from, pupils residing in adjacent unorganized territory if the parents or guardians of such pupils are the holders of property and taxpayers in the district. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another.

15-29082. ADMISSION OF PUPILS FROM OTHER DISTRICTS; TUITION.) The board of education of any special school district shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience and is approved by the county superintendent of schools, the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds.

Approved March 11, 1953.

CHAPTER 134

H. B. No. 753

(Hammer and Larson of Burleigh)

COMPENSATION OF COMMON SCHOOL DISTRICT TREASURER

AN ACT

To amend and reenact section 15-2524 of the North Dakota Revised Code of 1943 relating to the compensation of the treasurer in a common school district.

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

§ 1. AMENDMENT.) Section 15-2524 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2524. COMPENSATION OF TREASURER.) The treasurer of a common school district shall receive an amount equal to one per cent of all moneys paid out of the district treasury during his term of office as compensation for receiving, safely keeping, and paying over the funds according to law, but such compensation shall not include a percentage on the balance

turned over by him to his successor in office, and shall not be less than ten dollars nor more than one hundred dollars in any one year.

Approved March 14, 1953.

CHAPTER 135

H. B. No. 603
(Committee on Education)

SCHOOL DISTRICT TREASURER'S ANNUAL REPORT

AN ACT

To amend and reenact section 15-2528 of the North Dakota Revised Code of 1943, relating to the school district treasurer's annual report, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 15-2528 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2528. TREASURER'S ANNUAL REPORT.) The school district treasurer, at the annual meeting of the school board held on the second Tuesday in July, shall make his report in triplicate containing the following information:

RECEIPTS

1. The balance at the beginning of the fiscal year;
2. The amount received from the apportionment of the state tuition fund;
3. The amount received from the apportionment of the county tuition fund;
4. The amount received from the state equalization fund;
5. The amount, if any, received from federal aid;
6. The amount received from taxes levied by the district school board other than for sinking fund;
7. The amount received for tuition, interest on deposits, and from similar sources;

8. The amount received from the sale of bonds;
9. The amount received from the sale of certificates of indebtedness;
10. The amount received from other nonrevenue receipts;
11. The amount received into the sinking fund, if any.

EXPENDITURES

1. The amount paid for services and expenses of school officers;
2. The amount paid for instructional service including teachers' salaries, textbooks, library books, supplies, and teachers' retirement fund;
3. The amount paid for incidental expenses, including transportation, tuition, medical inspection, play equipment, and related items;
4. The amount paid for the operation of school plants;
5. The amount paid for the maintenance of the school plants including repairs of buildings and equipment and upkeep of grounds;
6. The amount paid for fixed charges, including insurance, rent, and other charges;
7. The amount paid for schoolhouses, sites, and equipment;
8. The amount paid for debt service, including principal and interest paid on certificates of indebtedness and interest on warrants, but excluding payments from the sinking fund, if any;
9. The amount expended from the sinking fund, if any;
10. Cash on hand at the close of the fiscal year.

The report shall include such other items as may be required by the school board or by the superintendent of public instruction and shall be made upon and in conformity with the forms furnished for such purpose. One copy of the report shall be preserved in the treasurer's office, one copy shall be filed with the clerk of the school board, and one copy shall be transmitted to the county superintendent of schools. The superintendent of public instruction may eliminate from the report any of the foregoing requirements when such requirements shall have become obsolete.

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

Approved March 4, 1953.

CHAPTER 136

H. B. No. 533
(Legislative Research Committee)
(at the request of)
(Department of Public Instruction)

STATE SCHOOL CONSTRUCTION FUND AND STATE SCHOOL
CONSTRUCTION BOARD

AN ACT

To promote the education and educational facilities of the people of the State of North Dakota; creating a state school construction fund and a state school construction board with power to construct, improve and operate projects and to lease the same and to fix and collect fees, rentals and charges for the use thereof; authorizing school districts to enter into contracts to lease; granting the right to eminent domain; increasing the powers and duties of the department of public instruction; and making appropriations to said fund and to said board to pay expenses incident to its formation.

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

§ 1. DEFINITIONS.) The following terms whenever used or referred to in this Act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

1. "Fund" shall mean the state school construction fund created by this Act;
2. "Department" shall mean the department of public instruction;
3. "Project" shall mean any structure, facility or undertaking which the state school construction board is authorized to construct or improve, under the provisions of this Act;
4. "Construction" shall mean and include acquisition and construction, and the term "to construct" shall mean and include to acquire and to construct in such manner as may be deemed desirable;
5. "Improvement" shall mean and include extension, enlargement and improvement, and the term "to improve" shall mean and include to extend, to enlarge and to improve in such manner as may be deemed desirable;
6. "Board" shall mean the state school construction board.

§ 2. STATE SCHOOL CONSTRUCTION BOARD.) The state school construction board shall consist of the superintendent of public instruction who shall be chairman, the director of the state equalization fund who shall be secretary, the manager of the bank of North Dakota or someone designated by him, and the attorney general or one of his assistants designated by him. Said members of the board shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

§ 3. PURPOSES AND GENERAL POWERS.) The state school construction fund is created for the purpose of constructing and improving public school buildings, and furnishing and equipping the same for use as public schools, as a part of the public school system of the state of North Dakota under the jurisdiction of the department of public instruction. The board is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes including, but without limiting the generality of the foregoing, the following rights and powers:

1. To sue and be sued, implead and be impleaded, complain and defend, in all courts;
2. To acquire, purchase, hold, lease as lessee, and use any property real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the state school construction fund, and to sell, lease as lessor, transfer and dispose of any property or any interest therein at any time acquired by it;
3. To acquire by purchase, lease or otherwise, and to construct, improve and repair projects;
4. To make by-laws for the management and regulation of its affairs;
5. To appoint officers, agents, employees and servants, to prescribe their duties and to fix their compensation;
6. To fix, alter, charge and collect rentals, and other charges for the use of the facilities or, for the services rendered by, the board or projects thereof, at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the board, the construction, improvement and repair of its facilities and properties, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

7. To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business;
8. To have the power of eminent domain;
9. To pledge, hypothecate and otherwise encumber, all or any of the revenues or receipts of the fund as security for all, or any of, the obligations of the board;
10. To do all acts and things necessary or convenient to carry out the powers granted to it by this Act or any other Acts;

Provided, however, that the board shall have no power, at any time or in any manner to pledge the credit or taxing power of the state or any other school districts, nor shall any of its obligations or debts be deemed to be obligations of the state or any other school districts, nor shall the state or any other school districts be liable for the payment of principal or interest on such obligations, provided, further, that the board shall at no time enter into any contract with a school district under the provisions of this Act, unless such school district is at that time annually levying the maximum mill levy for the maintenance of a building fund, which levy must be maintained over the life of such contract, and has at that time an existing bonded indebtedness to the maximum limit permitted by law, except such bonded indebtedness shall not apply to schools established under section 15-4201 of the North Dakota Revised Code of 1943 relating to county agricultural schools; provided, further, that all contracts between the board and school districts shall be conditioned upon the preparation of general plans for the orderly development of improved attendance areas, and administrative units and for the improved housing of the public schools of the state. These plans shall be prepared cooperatively by local, county, and state school authorities, in accordance with standards and regulations prescribed by the department. The department shall have authority and its duty shall be to review all construction projects to determine:

1. The extent to which they conform to state plans;
2. The amount of improvement to be brought about in attendance areas and administrative units;
3. The usefulness and adequacy of the proposed building for classroom purposes with respect to design, location, safety, comfort and convenience;
4. The ability of the local school district or districts to amortize the cost of construction, and to defray the cost of operation and maintenance.

No contract shall be executed between the board and school district without the specific written approval of the department.

§ 4. LIMITATIONS OF PURPOSES AND AMOUNT EXPENDED.) The governing board shall limit the total amount expended for construction or improvements for any district to 10 per cent of its taxable valuation and under extreme emergency conditions the board may expend 15 per cent of its taxable valuation, but in no case shall the amount expended to any one school district exceed one hundred fifty thousand dollars. Be it further provided that no money shall be expended for gymnasiums or auditoriums except that in event an entire school unit is destroyed, the auditorium or gymnasium may be considered as part of the total plant and the district may be eligible.

§ 5. CONTRACTS TO LEASE AND LEASES BY SCHOOL DISTRICTS FROM BOARD.) Any school district within the state shall have power and authority to enter into contracts with the board to lease as lessee from the board, any school building constructed or improved by the board, for a term not exceeding twenty years, at such rental or rentals as may be determined by the board, and upon the completion of said school building the school district shall have power and authority to lease as lessee any school building completed by the board for a term, with respect to each not exceeding twenty years, at such rental or rentals as may be determined by the board. Such rental or rentals shall be applied on the total cost of the construction or improvement for such district until the full amount expended by the board shall have been repaid together with two and one-half per cent interest per annum. Any unexpended proceeds of any bond issue of any school district may be paid over to the fund in the form of advance rentals under such contract. Upon full payment of all rentals by the school district, the board shall execute and deliver such deeds or bills of sale as may be necessary to transfer complete title and interest to the school district.

§ 6. GOVERNING BODY.) Upon the effective date of this Act or as soon as possible thereafter, the board shall meet for the purpose of making plans for the administration of the school construction fund and the receiving and reviewing of applications for construction or improvements. The total membership of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the members of the board. The board shall have full authority to manage the properties and business of the board. The board shall fix and determine the number of officers, agents and employees it shall employ and their respective compensation

and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

§ 7. **MONEYS OF THE FUND.**) The custodian of the building fund of any school district for which a building or an addition to an existing building has been constructed shall pay annually to the state treasurer all moneys due as rental or rentals together with two and one-half per cent interest as herein provided, which money shall be credited to the state school construction fund. The moneys in said account shall be paid out on the warrant or other order by the chairman and secretary of the board. The state examiner or his legally authorized representatives are hereby authorized and directed to examine the accounts and books of the board, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its finances, operation and affairs annually.

§ 8. **COMPETITION IN AWARD OF CONTRACTS.**) If any project of any portion thereof, or any improvement thereof, shall be constructed pursuant to a contract, and the estimated cost thereof exceeds five hundred dollars, such contract shall be awarded to the lowest responsible bidder after advertisement for bids once a week for three weeks in at least one newspaper of general circulation in the county where the project or improvement is located. The board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof. No contract shall be entered into for construction or improvement of any project or portion thereof, or for the purchase of materials, unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the board, and in an amount fixed by the board, for the faithful performance of the contract. All construction contracts shall provide, among other things, that the person or corporation entering into such contract with the board will pay for all materials furnished and services rendered, for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein, provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the board to construct any project or portion thereof of any addition, betterment or extension thereto, directly by the officers, agents and employees of the board, or otherwise than by contract. Subject to the aforesaid, the board may, but without intending by this provision to limit any powers of

such board, enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the board may deem desirable, or as may be requested by any federal agency that may assist in the financing of such project or any part thereof.

§ 9. ACQUISITION OF LANDS.) The board shall have the power to acquire by purchase or eminent domain proceedings, either the fee or such right, title, interest or easement in such lands as it may deem necessary for any of the purposes mentioned in this Act.

§ 10. APPROPRIATION.) There is hereby appropriated out of any moneys in the state equalization fund, not otherwise appropriated, the sum of five million dollars to establish the state school construction fund, which shall be a permanent and continuous fund. There is also hereby appropriated out of any moneys in the state equalization fund, not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the payment of costs and expenses incurred in commencing the work of the board, and administering such fund. There is also appropriated out of the state school construction fund such amount as is paid therein as interest or as much thereof as is necessary for use by the board for the cost of the administration of this Act.

Approved March 11, 1953.

CHAPTER 137

S. B. No. 151
(Committee on Education)

FIRST GRADE ELEMENTARY TEACHERS CERTIFICATE;
PERMITS

AN ACT

To amend and reenact section 15-3603 of the North Dakota Revised Code of 1943, and repealing sections 15-3602 and 15-3613 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to teacher certification.

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

§1. AMENDMENT.) Section 15-3603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3603. FIRST GRADE ELEMENTARY CERTIFICATE ISSUED WITHOUT EXAMINATION; PERMITS.) A first grade elementary certificate shall be issued upon a high school diploma and the one year normal school course. Graduates from high schools who have completed four years of standard work and who, in addition, have completed the one-year teacher training course at a state teachers' college or normal school, or an equivalent course in an institution outside the state, and who are at least eighteen years of age, shall be granted a first grade elementary certificate. Such certificate shall be valid for three years. It shall qualify the holder to teach in the public schools of the state up to and including the eighth grade except in schools which, under rules of standardization, require higher qualifications, and it shall be renewable by not less than twelve quarter hours credit earned at a state teachers' college or normal school. In event of an emergency the superintendent of public instruction may issue permits to persons who cannot meet the requirements as specified by law but who possess such teaching qualities as vocational adaptability, health, character, personality, experience, capacity and willingness. Such permits shall be valid for only one year and shall not be granted without the recommendation of the school board and county superintendent.

§ 2. REPEAL.) Sections 15-3602 and 15-3613 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 28, 1953.

CHAPTER 138

S. B. No. 227
(Schrock and Bilden)

ASSESSMENTS, OPTIONS, ANNUITIES, WITHDRAWALS AND
INVESTMENT OF TEACHERS INSURANCE AND
RETIREMENT FUND

AN ACT

To amend and reenact sections 15-3914, 15-3928, 15-3929, 15-3931 of the 1949 Supplement to the North Dakota Revised Code of 1943, sections 15-3926 and 15-3938 of the North Dakota Revised Code of 1943, and chapter 135 of North Dakota Session Laws of 1951 and renumber the subsections thereof; all relating to assessments, options, annuities, withdrawals and investment of funds of the North Dakota teachers insurance and retirement fund.

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

§ 1. AMENDMENT.) Section 15-3914 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3914. AMOUNT OF ASSESSMENTS.) Every teacher who is a member of the fund shall be assessed upon his salary as teacher as follows:

1. Four percent per annum, but not more than fifty dollars per year, for each of his first eight years of service as a teacher; and
2. Four percent per annum, but not more than one hundred twenty dollars per year, for each of the second eight years of service as a teacher; and
3. Six percent per annum, but not more than one hundred eighty dollars per year, for each successive year of service as a teacher thereafter.

The total amount of assessments paid, however, shall not be less than the full amount of annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement. When a political subdivision or institution covered by the benefits of the teachers' retirement fund provides sick leave and employs substitute teachers at additional cost to said subdivisions or institutions, they shall in no event be required to pay in excess of one hundred twenty dollars per year as matching fund for any one teaching position.

§ 2. AMENDMENT.) Section 15-3929 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3929. OPTIONS OF TEACHERS ELIGIBLE TO RECEIVE ANNUITIES.) At any time after his retirement under the circumstances provided in this chapter and before the first annuity payment shall become due, a teacher may elect to receive the actuarial equivalent, at that time, of the regular retirement allowance for life, in the form of a reduced retirement allowance payable throughout his life with either, but not both of the following additional provisions:

OPTION ONE. Upon the death of the teacher, the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement; or

OPTION TWO. Upon the death of the teacher, one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

The amount of the reduced retirement allowance payable upon the exercise of either of such options shall be computed upon an actuarial basis through the use of standard actuarial tables and based upon the ages of the teacher and his designated beneficiary.

In the event that a teacher's death occurs subsequent to July 1, 1941, who has met all requirements for an annuity, but who fails to select Option 1 or Option 2, as provided in Section 15-3929, the deceased teacher shall be deemed to have selected Option 2 with the spouse named as the beneficiary. Such annuities to commence as of the day of the teacher's death but in no event prior to July 1, 1953.

A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select Option One or Option Two, as described in section 15-3929, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in sections 15-3928 and 15-3929. A written designation of the choice of option and beneficiary must be filed with the board of trustees of this fund in order for such choices to be effective. If a continuing teacher who has duly registered such choices with the board should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary,

if living, shall receive the retirement allowance for life as provided by the terms of the option previously selected by the teacher. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily, before death, then sections 15-3928 and 15-3929 shall apply. If an applicant for annuities under subsections of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-3914, he shall pay any deficiency into the fund before receiving the annuity.

§ 3. AMENDMENT.) Section 15-3931 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3931. BOARD MAY DIMINISH ANNUITIES.) The board may reduce the annuities provided in this chapter ratably whenever, in its judgment, the conditions of the fund require a reduction in such annuities.

§ 4. AMENDMENT.) Section 15-3926 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3926. INVESTMENT OF MONEYS IN FUND.) The board, when authorized to do so by a resolution duly adopted by the industrial commission of the state of North Dakota, may invest moneys in the fund in bonds and mortgages or other securities the payment of which is guaranteed by the United States of America, bonds of the state of North Dakota or any other state, 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 which constitutes the general obligations of the issuing tax authority. Before any investment is made in any securities, however, the investment shall be approved by the board and the securities shall be approved by the attorney general as to the form and legality thereof. The state treasurer shall be the custodian of all such bonds and certificates, and the board shall deliver any securities so purchased to the state treasurer as such custodian. This section shall constitute a continuing appropriation out of the fund of all moneys that may be required for the making of the investments authorized by this section. Any member of the board and any officer thereof who shall participate in the investment of any moneys in the fund without first having obtained the authorization of the industrial commission as provided in this section shall be guilty of a misdemeanor.

§ 5. AMENDMENT.) Section 15-3938 of North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3938. WITHDRAWAL FROM FUND BY MEMBERS OF ARMED FORCES.) Any person mentioned in section 15-3937, at any time within eighteen months from and after his discharge from such service, may apply for withdrawal from the state teachers' insurance and retirement fund and shall be entitled to the return of one-half of the amount, without interest, theretofore paid into the fund by such teacher, on salaries earned prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947 without interest.

§ 6. AMENDMENT.) Chapter 135 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

15-3928. RETIREMENT ANNUITY.) Each teacher who shall have retired from service in the public schools, or state institutions under the provisions of section 15-3927 shall be entitled to receive an annuity as follows:

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter.
 - a. A teacher who has completed all requirements for retirement previous to July 1, 1947, may choose to retire under the provisions of the insurance and retirement fund then in effect. This does not preclude, however, continuation of payments to the retirement fund after July 1st, 1947, at the rate prescribed by law for the remaining teaching career of such person.
 - b. A teacher who has completed all requirements for retirement previous to July 1, 1947, and does not teach after July 1, 1947, must retire under the provisions of the insurance and retirement fund act in effect prior to July 1st, 1947.
 - c. A teacher in service after July 1, 1947, who had previous to that date completed all requirements for retirement under the insurance and retirement fund act may at his own option pay into the fund assessments on salaries earned between the date of completing payments and July 1, 1947. The rate of pay-

ment shall be six percent on the total salary earned, plus six percent interest on such assessments per annum.

- d. If a teacher chooses not to pay the assessments on the interim period, those years may not be used in calculating the final annuity payment.
2. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive as an annuity a sum equal to two percent of the total earnings at salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than three hundred dollars in any one year and shall be subject to all the provisions of this chapter.
3. If any person retiring under this chapter shall resume service as a teacher of a public school or state institution in this or any other state 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, except that in addition to retirement benefits earned prior to the resumption of teaching, such teacher shall be entitled to such additional retirement benefits as may be earned during the period in which teaching is resumed.
4. No annuity payments shall commence before the applicant shall have arrived at the age of fifty-five years except in the case of retirement based on disability as provided in section 15-3927.

Approved February 28, 1953.

CHAPTER 139

H. B. No. 761
(Link, Rolfsrud, Larsen)

EFFECT OF TEACHERS MILITARY SERVICE ON TEACHERS
RETIREMENT BENEFITS

AN ACT

To amend and reenact sections 15-3936 and 15-3937 of the 1949 Supplement to the North Dakota Revised Code of 1943, pertaining to the effect of military service of teachers on teachers' retirement benefits.

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

§ 1. AMENDMENT.) Section 15-3936 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3936. MILITARY SERVICE IN WAR COUNTED AS TEACHING SERVICE.) A teacher who has been granted an honorable discharge from the United States armed forces for services rendered during a national emergency, if he was engaged in the occupation of teaching in North Dakota at the time of entering the service, or who had been engaged in teaching in North Dakota prior to such time but was attending an institution of higher learning for the purpose of improving himself in such profession at the time of entry into the armed services, shall be entitled to have the time of such service counted as teaching service under the provisions of this chapter, upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such service.

§ 2. AMENDMENT.) Section 15-3937 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3937. PARTICIPATION IN FUND BY MEMBERS OF ARMED FORCES.) Any person who, since the first day of January, 1940, entered into active service in the army, navy, marine corps, air force, or coast guard, including the specialist's corps of the United States army during a period of national emergency, and who, immediately prior to the entry into such active service was a teacher or who had been a teacher but at such time was attending an institution of higher learning for the purpose of improving himself in such profession, and who at such time had made contributions into the state teachers' insurance and

retirement fund, shall be entitled, upon his resumption of the teaching profession in the state of North Dakota, to have the time of his service in such armed forces credited as "teaching service" under said teachers' insurance and retirement fund law upon payment by him of the assessments for said period of service, based upon the salary received by him during the first school year during which teaching is resumed.

Approved March 17, 1953.

CHAPTER 140

H. B. No. 601
(House Committee on Education)

SCHOOL CENSUS AND REPORT

AN ACT

To amend and reenact section 15-4713 of the North Dakota Revised Code of 1943, relating to the school census and report, and declaring an Emergency.

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

§ 1. AMENDMENT.) Section 15-4713 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4713. SCHOOL CENSUS; REPORT.) The school board or board of education in all classes of school districts, including common, special, and independent, and school districts organized under special laws, shall cause an enumeration to be made between the first and twentieth days of June of each odd numbered year, of all unmarried persons under twenty-one years of age, as of such twentieth day of June, having their legal residence in the district. The census also shall include the following information:

1. The names and ages of such persons and the names of parents or guardians having the care and custody of each;
2. The names and ages of all deaf and dumb, blind, and feeble-minded persons between the ages of five years and twenty-five years residing in the district, including all such persons who are too deaf or feeble-minded to acquire an education in the common schools;

3. The names and ages of all crippled persons of any age residing in the district; and
4. The names and post office addresses of the parents or guardians of all of the persons mentioned in subsections 2 and 3 of this section.

The enumeration shall be made upon and in accordance with forms furnished by the county superintendent of schools, and shall be approved by the school board of education and returned to the county superintendent prior to the fifteenth day of July in the year in which it is made, and immediately upon receipt of such report the county superintendent of schools shall furnish a copy of the enumeration of deaf and dumb persons to the superintendent of school for the deaf, a copy of the enumeration of blind persons to the superintendent of the school for the blind, and a copy of the enumeration of feeble-minded persons to the superintendent of the institution for the feeble-minded.

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

Approved March 4, 1953.

CHAPTER 141

S. B. No. 184
(Stucke, Bridston, Streibel, Day)

EXPENDITURE OF PROCEEDS OF MEDICAL CENTER LEVY

AN ACT

To amend and reenact section 15-5209 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the expenditure of proceeds of levy for the medical center.

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

§ 1. AMENDMENT.) Section 15-5209 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5209. EXPENDITURE OF PROCEEDS OF ONE MILL LEVY AUTHORIZED; LIMITATION.) The proceeds of the one mill tax

levy established by article sixty of the amendments to the constitution of North Dakota, together with any other funds that may be received by the state treasurer, from time to time, for the benefit of the North Dakota state medical center, shall be expended to establish, develop and maintain said North Dakota state medical center, as provided in chapter 15-52, by the issuance of state warrants drawn on such funds by the state auditor in payment of vouchers approved by the state board of higher education, or its successor in authority. A sufficient portion of such funds, however, shall be retained by the board of higher education to permit the establishment of a third year course in medicine at the center not later than 1955, and a fourth year course not later than 1956, provided that this limitation shall not interfere with the intended purpose of any private grants or special appropriations made for the support of such medical center.

Approved March 13, 1953.

CHAPTER 142

S. B. No. 200
(Committee on Education)

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 savings 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 district" 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 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;
 - d. And any combination of the methods of aforementioned.
2. "County committee" and "state committee" shall mean respectively, the county committee for the reorganization 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. STATE COMMITTEE; MEMBERS; EXPENSES.) The state committee shall be composed of the superintendent of public instruction together with the attorney general and state treasurer, as advisory members. All members of the committee shall be paid their actual expenses in attending meetings and in the performance of their official duties.

§ 4. ORGANIZATION OF STATE COMMITTEE.) The state committee shall organize by electing from its membership, a chairman, vice-chairman, and a secretary.

§ 5. COUNTY COMMITTEES; SIZE; COMPENSATION; VACANCIES; AND TERM.) 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. At least one member of such county committee shall be chosen from each commissioner district of the county. The county committee that has been duly selected and is serving at the time that this Act

takes effect shall continue to serve in like capacity unless such committee seeks and secures from the state committee a discharge showing that the duties imposed upon it by this Act have been fully performed, or, in case a county committee shall fail or refuse to submit plans, records, reports and other data as provided for in this Act, until a new committee is appointed by the state committee. Each member shall receive his actual and necessary expenses incurred by him in attending scheduled meetings and in the performance of his official duties. The term of each county committee member shall be three years except that the county committee members serving at the time this Act takes effect shall choose by lot one member whose term shall expire one year from the effective date of this Act; and one member, or two members in the case of a five member committee, whose term shall expire two years from the effective date of this Act. The remaining member or members of the county committee shall serve for a three year period. Vacancies in any county committee shall be filled by appointment by the county superintendent of schools.

§ 6. COUNTY COMMITTEE; MEETINGS; QUORUM.) 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 be allowed and paid his actual and necessary expenses incurred while in the performance of his duties under the provisions of this Act. Such additional expenses shall be chargeable and payable as an expense of the county.

§ 7. COMPREHENSIVE STUDY OF COUNTY MADE BY COMMITTEE; CONSIDERATIONS.) The county committee may make comprehensive study of the county school system whenever it deems necessary 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.

§ 8. 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 9.

§ 9. 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 obliga-

tions 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 10 of this Act. A subcommittee composed of 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.

§ 10. REORGANIZATION PLAN PREPARED AND SUBMITTED TO STATE COMMITTEE.) The county committee shall prepare and submit 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 proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this Act;
2. A description of the boundaries aforementioned;
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school district except as otherwise provided by law;
4. A summary of the reasons for such proposed reorganization of school districts;
5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be selected at large, common school districts with five directors to be elected from designated geographic districts, special school districts with the five members of the board of education to be elected at large, or special school districts with the five members of the board of education to be from designated geographic areas, 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.

§ 11. 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.

§ 12. 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 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.

§ 13. STATE COMMITTEE, POWERS AND DUTIES.) The state committee shall:

1. Director to appoint and employ personnel. The superintendent of public instruction shall be the director of school reorganization. The director shall appoint and employ such personnel as may be necessary to enable the committee to carry out the powers and duties imposed upon it by this Act and to fix the compensation for such appointees and employees.
2. 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.
3. Receive, Examine, Approve or Disapprove Reorganization Plans. Receive, file and examine the plans for the reorganization of school districts and 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;

4. **Appoint County Committee.** Appoint a county committee, in case no county committee is elected, as required in section 5 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;
5. **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.

§ 14. **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 district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such election each existing district shall vote as a unit except in districts in which the electors agree that the district shall be divided for purposes of this Act because of natural barriers or other reasons. 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 schoolhouse door of each school district containing a school building and included in the proposed

change. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the election shall be held and conducted in the same manner and the polls shall open and close at the same time as is specified for elections in special school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of a proposed new district are in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 15. TRANSPORTATION REQUIRED.) Whenever any reorganization 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.

§ 16. 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 and in the terms of adjustment of the property, debts and liabilities thereof, as the case may be, and submit the same to the state committee for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in section 13. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in section 14, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of the proposed new district are in favor of the

formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as it is provided in section 14.

§ 17. 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 10 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.

§ 18. 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 or at a special election called by the county superintendent of schools for that purpose. 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 20 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 20 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. Subsequent annual elections in such school district shall be governed by the laws pertaining hereto.

§ 19. CONTINUANCE OF ELEMENTARY SCHOOLS IN REORGANIZED DISTRICTS.) Each common school in the local districts included in reorganized school districts shall be kept in session as provided by law, except that any school may be discontinued when the people in the old district where the school is located, by a majority vote, approve its closing, or when a petition requesting that the school is discontinued is signed by two-thirds of the electors in the old district where the school

is located and is presented to the school board or board of education in the reorganized district. The board shall reopen any school which has been closed for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

20. 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.

§ 21. 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, and the county superintendent, or the county committee and county superintendent, as the case may be, 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 county superintendent or the board of county commissioners and the county superintendent, as the case may be, and approved by the state committee, 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.

§ 22. 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.

§ 23. 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 committee except as provided for by chapter 131 of the 1951 session laws.

§ 24. 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.

§ 25. 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 9 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.

§ 26. ANNEXATION OF REMAINING PORTIONS OF REORGANIZED DISTRICT TO OTHER DISTRICTS.) When a portion of any common or special school district has become a part of a reorganized school district under chapter 15-53 of the 1947 (1949) Supplement to the North Dakota Revised Code of 1943, and a portion of the common or special school district is not included in the reorganized district, such remaining portion, having a taxable assessed valuation of less than one hundred thousand dollars for each teacher employed in the remaining territory, shall become a part of a school district adjacent thereto in the following manner:

1. The county school district reorganization committee shall, within forty-five days after the reorganized district has been approved by the voters, order a hearing for the purpose of determining to which district or districts said remaining territory shall be annexed;
2. The hearing shall be held in a designated school house or a designated place located in the remaining territory and notice of the time and place of the hearing shall be given by publication in the official county newspaper at least ten days before the date of the hearing. Within ten days after the hearing, the county committee shall make an order annexing the territory to adjacent school district or districts; and
3. The decision of the county committee shall be subject to review by the state school district reorganization committee upon petition by a majority of the electors residing in said territory.

§ 27. SALE OR REMOVAL OF SCHOOL BUILDINGS IN REORGANIZED DISTRICTS.) On petition of a majority of the electors in an original school district included in a reorganized district established in accordance with the provisions of chapter 15-53 of the 1949 Supplement to the North Dakota Revised Code of 1943, for the sale or removal of a school house in such original school district, if the conduct of a public school has been discontinued in such building for at least one year, the school board of the reorganized district may have the school building moved to the place designated in the petition, or sold if the petition so provides. The proceeds of such sale shall be placed in the general fund of the reorganized district.

§ 28. REPEAL.) Chapter 15-53 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 20, 1953.

CHAPTER 143

H. B. No. 850
(Delayed Bills Committee)

**TRANSPORTATION PAYMENTS FROM COUNTY
TUITION FUND**

AN ACT

To create subsection 6 of section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by Chapter 148 of the North Dakota Session Laws of 1951, relating to transportation payments from the county tuition fund.

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

§ 1. AMENDMENT.) Subsection 6 of section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by chapter 148 of the North Dakota session laws of 1951, is hereby created to read as follows:

6. It is further provided that a district shall receive payments under subsections 1 and 2 of this section providing the school board has made a written agreement for the attendance of the pupils in another public school and vehicular transportation is furnished. Districts receiving payments under subsections 1 and 2, where less than four pupils are enrolled, shall receive a proportional amount of the payments provided in such subsections as the total enrollment bears to four.

Approved March 10, 1953.

CHAPTER 144

H. B. No. 602
(Committee on Education)

TEACHER PREPARATION SCHOLARSHIPS

AN ACT

Relating to teacher preparation scholarships, amending and reenacting sections 15-5704, 15-5707, and 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by Chapter 150 of the Session Laws of 1951, and making an appropriation.

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

§ 1. AMENDMENT.) Section 15-5704 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by chapter 150 of the session laws of 1951, is hereby amended and reenacted to read as follows:

15-5704. CERTIFICATION OF CANDIDATES AND ALTERNATES.) On or before July fifteenth of each year the county superintendent of schools of each county in this state shall certify to the board, the names of five candidates and five alternates from his county for scholarships. The candidates shall be selected according to the provisions of this chapter and the rules established by the board, and consideration shall be given first to high school graduates of the school year just preceding the selection.

§ 2. AMENDMENT.) Section 15-5707 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by chapter 150 of the session laws of 1951, is hereby amended and reenacted to read as follows:

15-5707. SELECTION OF ADDITIONAL CANDIDATES AT LARGE.) If a county fails to provide five candidates who accept the scholarship by August fifteenth, of each year the board may accept alternates from other counties. If less than two hundred sixty-five scholarships have been awarded in the state in either year, the board may select from the alternates certified and from the list of qualified and partially qualified candidates such additional candidates, chosen at large, without regard to county quota, as may be necessary to fill the state quota for such year.

§ 3. AMENDMENT.) Section 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by

chapter 150 of the session laws of 1951, is hereby amended and reenacted to read as follows:

15-5708. SCHOLARSHIP PAYMENTS; CONDITIONS; NOTES REQUIRED; SCHOLARSHIP CONTINUED.) Upon the granting of a scholarship and the acceptance thereto, the recipient shall be entitled to the sum of one hundred dollars, for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a one-year course leading to a first grade elementary certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest twenty-one months after the date of issue, except as otherwise provided in this chapter. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of any year whenever the recipient may thereby qualify for a first grade elementary certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter. The recipient of a scholarship who has successfully completed the one-year course leading to a first grade elementary certificate and who has successfully completed a full eight or nine months term of teaching in a one-room rural school may apply for a scholarship to be used for a second year of college training leading to a second grade professional certificate. Upon the granting of the scholarship and the acceptance thereto, payment shall be made only to candidates who declare their intent to teach a second year in a North Dakota rural school. The scholarship shall be paid from any moneys remaining in the scholarship fund after the requirements of the candidates for the one-year course have been met and on the same terms.

§ 4. APPROPRIATION.) There is hereby appropriated out of the equalization fund the sum of one hundred and sixty-four thousand dollars or whatever portion may be necessary for the purpose of paying teaching preparation scholarships in an

amount not to exceed one hundred and fifty-nine thousand dollars and for the administration of the teacher preparation scholarship program not to exceed five thousand dollars, for the biennium beginning July 1, 1953 and ending June 30, 1955.

Approved March 11, 1953.

CHAPTER 145

H. B. No. 614
(Committee on Education)

PAYMENT OF HIGH SCHOOL LEAGUE ATHLETIC INSURANCE
PREMIUMS FROM SCHOOL FUNDS

AN ACT

To authorize grade and high schools which are members of the North Dakota high school league to contribute out of the funds of such schools to pay the premium for insurance against injuries due to such athletic programs.

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

§ 1. MEMBERSHIP; COST OF PROTECTION PAYMENTS OUT OF SCHOOL FUNDS; MANNER OF DISBURSEMENTS.) Any grade or high school in the state of North Dakota which is now or which may hereafter become a member of the North Dakota high school league and which desires to secure protection for such grade and high school students who may be injured on the school premises or who may be injured by their participation in school athletic activities or physical education programs may in its discretion pay for the cost of such protection to such North Dakota high school league out of funds belonging to such school district in the same manner as any valid school expense is paid.

Approved February 27, 1953.

ELECTIONS

CHAPTER 146

H. B. No. 599
(Wollitz, Poling, Olsgard)

COMPENSATION OF COUNTY CANVASSING BOARDS

AN ACT

To amend and reenact section 16-1316 of the North Dakota Revised Code of 1943 relating to the compensation of members of the county canvassing board.

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

§ 1. AMENDMENT.) Section 16-1316 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1316. COMPENSATION AS MEMBERS OF BOARD.) Each member of the county canvassing board, who is not a paid official of the county, while serving as a member of the county canvassing board, shall receive eight dollars per day as compensation. In addition, any member of the board who must travel a distance of over five miles from his home to the place of such meeting and return, shall be paid mileage of 7½ cents per mile. Such compensation and mileage shall be audited, allowed, and paid by the board of county commissioners in each county.

Approved March 10, 1953.

CHAPTER 147

H. B. No. 573

(Snortland, Freadhoff, Erickson of Bottineau)

PUBLICATION OF ELECTION RETURNS BY COUNTY AUDITOR

AN ACT

To amend and reenact section 16-1332 of the North Dakota Revised Code of 1943, relating to the publication of election returns.

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

§ 1. AMENDMENT.) Section 16-1332 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1332. COUNTY AUDITOR TO PUBLISH RETURNS OF ELECTION.) The county auditor shall cause to be published in the official county newspaper, in tabular form, the vote by precincts for each officer and each proposition voted for at any primary, special or general election. Such publication shall be paid for at a rate not to exceed the rate paid for publishing the proceedings of the board of county commissioners.

Approved March 10, 1953.

CHAPTER 148

S. B. No. 107
(Gronvold, Davis, Hagen, Meidinger)

PREPARATION AND PRINTING OF ABSENT VOTERS
BALLOTS

AN ACT

To amend and reenact section 16-1803 of the North Dakota Revised Code of 1943 relating to preparation and printing of ballots.

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

§ 1. AMENDMENT.) Section 16-1803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1803. PREPARATION AND PRINTING OF BALLOTS.) For all general and primary elections, and for all special elections when such special elections for state and county offices are held at the same time as a general or primary election, there shall be prepared and printed for each precinct official ballots to be known as absent voters' ballots. Such ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballots, except that the absent voters' ballots shall be printed upon tinted paper of a tint different from that of the sample ballots.

Approved March 6, 1953.

FIRES

CHAPTER 149

H. B. No. 579

(Paulson, Nygaard, Wolf of McIntosh-Logan)

PARTICIPATION BY CITIES OR VILLAGES IN FIRE INSURANCE PREMIUM TAX FUND

AN ACT

To amend and reenact section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by section 4 of chapter 153 of the 1951 Session Laws, relating to participation by cities or villages in the fund created by premium taxes on fire insurance companies.

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

§ 1. AMENDMENT.) Section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by section 4 of chapter 153 of the 1951 session laws is hereby amended and reenacted to read as follows:

18-0405. AMOUNT DUE CITIES; VILLAGES OR RURAL FIRE DEPARTMENTS; CERTIFICATE OF COMMISSIONER OF INSURANCE TO STATE AUDITOR.) The amount due to a city or village to benefit under the provisions of this chapter shall be two and one-fourth percent of the premium received by insurance companies on fire insurance policies issued on property in such cities or villages. The commissioner of insurance shall compute the amounts due to the several cities or villages and shall certify such amounts to the state auditor on or before June first in each year. The commissioner of insurance shall certify to the state auditor on or before June first of each year an additional one hundred dollars to be paid to each city or village fire department performing service outside of its incorporated limits. For each rural fire department organized within the provisions of this chapter, the amount of two hundred dollars per year shall be certified to the state auditor. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

Approved March 5, 1953.

CHAPTER 150

H. B. No. 663
(Fitch, Crothers)

FIREMEN'S SERVICE PENSION

AN ACT

To amend and reenact section 18-0506 of the North Dakota Revised Code of 1943, relating to service pension.

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

§ 1. AMENDMENT.) Section 18-0506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0506. SERVICE PENSION; WHO MAY RECEIVE; RECIPIENT OF ENTITLED TO NO FURTHER RELIEF FROM ASSOCIATION.) A firemen's relief association organized under the laws of this state may pay out of any funds received from the state, city, municipality, or from any other source, a service pension in such amount, not exceeding one hundred dollars per month, as may be provided by its by-laws, to each of its members who has retired and who:

1. Has reached the age of fifty years;
2. Has done active duty for twenty years or more as a member of a volunteer, paid, or partially paid and partially volunteer, fire department in the municipality in which such association exists;
3. Has been a member of the firemen's relief association for at least ten years prior to the date of his retirement; and
4. Complies with any additional conditions as to age, service, and membership which may be prescribed by the by-laws of the association.

No pension shall be paid to any person while he remains a member of the fire department, and a person who is receiving a service pension shall be entitled to no other relief from the association.

Approved March 12, 1953.

FOODS, DRUGS, OILS AND COMPOUNDS

CHAPTER 151

S. B. No. 153
(Geelan and Stucke)

PROHIBITING MANUFACTURE, SALE, ETC., OF CANDY PRODUCTS IMITATING OR RESEMBLING CIGARETTES; PENALTIES

AN ACT

To prevent confusion and deception in connection with the sale of candy or confectionery products, and the packaging and labeling thereof which are designed and manufactured to imitate and resemble cigarettes; to prohibit the manufacture, sale, exchange, or to knowingly transport, possess, display, or the offering for sale or exchange of such candy or confectionery products; and to prescribe penalties for violation.

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

§ 1. DECLARATION OF POLICY.) Candy or confectionery products which are designed and manufactured to imitate and resemble cigarettes or other tobacco products, and the packaging and labeling thereof which are designed and manufactured to imitate and resemble the packages of cigarettes or other tobacco products, create a condition which, if permitted to exist, tends to undermine and interfere with the well-being of the people of this state. The manufacture, sale, exchange, transportation, possession, display, or offer for sale or exchange of such candy or confectionery products and the purchase and use thereof by minors readily create a desire on the part of such minors to purchase and use genuine cigarettes or other tobacco products. It is hereby declared to be the purpose of this Act to correct and eliminate the condition above referred to; to protect the public from confusion and deception; and to prevent inducement to minors toward the use of cigarettes or other tobacco products.

§ 2. PROHIBITED ACTS.) It shall be unlawful for any person to manufacture, sell, exchange, or knowingly transport, possess, display, or offer for sale or exchange any candy or confectionery product packaged to imitate and resemble cigarettes or the packaging and labeling thereof which are designed and manufactured to imitate and resemble the packages of cigarettes.

§ 3. PENALTIES.) Any person who shall violate any of the provisions of this Act, shall, upon conviction thereof, be subject

to a fine of not more than one thousand dollars, or to imprisonment for not more than ninety days, or to both such fine and imprisonment.

Approved March 14, 1953.

CHAPTER 152

S. B. No. 88
(Foss and Stucke)

DEFINING "NARCOTICS"

AN ACT

To amend and reenact subsection 13 of section 19-0301 of the 1949 Supplement to the North Dakota Revised Code of 1943 dealing with narcotics and definitions declaring an emergency.

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

§ 1. AMENDMENT.) Subsection 13 of section 19-0301 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

13. "Narcotic drugs" means coco leaves, opium, cannabis, isonipecaine, amidone, isoamidone, keto-bemidone, and every other substance neither chemically nor physically distinguishable from them; any other drugs to which the Federal laws relating to narcotic drugs may now apply; and any drug found by the state laboratories department, after reasonable notice and opportunity for hearing, to have addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the date of publication of such finding by said state laboratories department;

§ 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, 1953.

CHAPTER 153

S. B. No. 69
(Troxel)

OLEOMARGARINE TAX AND STAMPS

AN ACT

To amend and reenact section 19-0508 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to tax stamps on oleomargarine.

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

§ 1. AMENDMENT.) Section 19-0508 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0508. TAX ON OLEOMARGARINE; CONTAINERS FOR SALE; TAX STAMPS TO BE AFFIXED.) The state treasurer shall collect a tax of ten cents per pound upon all oleomargarine sold to consumers in this state. An additional tax of ten cents per pound shall be collected upon all oleomargarine which is yellow in color sold to consumers in this state. Oleomargarine shall not be sold in this state in packages containing less than one pound nor more than thirty pounds. Before a box, carton or other container of oleomargarine is sold or distributed by a wholesaler he shall attach to each package a stamp denoting the payment of the tax upon the oleomargarine therein contained. Such stamps shall be cancelled in the manner required by the state treasurer. All wholesalers selling or distributing oleomargarine in the state shall make such reports to the state treasurer as he may prescribe. Oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than one and six-tenths degree of yellow or of yellow and red collectively but an excess of yellow over red, measured in the terms of the lovibond tintometer scale or its equivalent.

Approved March 4, 1953.

CHAPTER 154

H. B. No. 690
(Dahlund, Hegge and Saugstad)

LABELING OF PETROLEUM PRODUCTS

AN ACT

To amend and reenact sections 19-1004, 19-1006, 19-1007 and 19-1008 of the North Dakota Revised Code of 1943 dealing with labeling of petroleum products.

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

§ 1. AMENDMENT.) Sections 19-1004, 19-1006, 19-1007 and 19-1008 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

19-1004. LABELING GASOLINE CONTAINERS: GASOLINE PIPE LINE.) Every package, barrel, filling station pump, and every tank wagon, truck, or car containing gasoline for sale or consignment or held with intent to sell or consign the same within this state or to transport it into this state, shall be clearly and distinctly stamped, labeled, or tagged with the word "gasoline". Every oil station pipe line for gasoline must be painted red. The fittings upon such lines, however, may be painted other colors to designate grades. Pipe lines for gasoline shall be entirely separate from lines for kerosene or for any other high flash product. Every can, bucket, barrel, or other container of less than sixty gallons capacity used for storage or delivery of gasoline, benzine or benzine products, unless the same is made of glass, shall be painted bright red, and such containers shall not be used for the storage or delivery of kerosene. In the case of glass containers, the contents shall be designated by a red label securely pasted on or attached to the containers bearing the name of the product.

19-1006. LABELING TRACTOR FUEL.) Every package, barrel, pump, and every truck, tank wagon, or car containing tractor fuel oil, other than gasoline or kerosene, for sale or consignment, when held within this state or when being transported into this state, shall be clearly and distinctly tagged, marked, and labeled with the legend "Tractor fuel oil, not for illuminating purposes nor wick burners". Every oil station pipe line for tractor fuel shall be painted yellow and shall be entirely separate from lines for kerosene or other high flash product.

19-1007. LABELING HEATING OIL.) Every package, barrel, pump, and every tank wagon, truck, or car containing heating oil for sale or consignment, when held within this state or when being transported into this state, shall be clearly and distinctly tagged, marked, or labeled with the designation of grade established by the department. Every oil station pipe line for heating oil shall be painted green.

19-1008. LABELING: DIESEL FUEL.) Every package, barrel, pump, and every tank wagon, truck, or car containing diesel fuel for sale or consignment, when held within this state or transported into this state, shall be clearly and distinctly tagged, marked, or labeled with the designation "diesel fuel" together with its cetane number and the grade established by the department. Every oil station pipe line for diesel fuel shall be painted green.

Approved March 11, 1953.

CHAPTER 155

H. B. No. 689
(Dahlund, Hegge, and Saugstad)

COLORING OF GASOLINE

AN ACT

To amend and reenact section 19-1017 of the North Dakota Revised Code of 1943 dealing with coloring of gasoline.

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

§ 1. AMENDMENT.) Section 19-1017 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1017. COLORING OF GASOLINE.) Any gasoline that shows antiknock characteristics of not less than octane No. 76 of the knock rating system referred to as research method and approved by the United States bureau of standards, may be colored by the use of any harmless dye except red. Any gasoline that shows antiknock characteristics of not less than octane No. 85 of the same system may be colored by the use of any harmless dye. Any gasoline showing an antiknock standard of less than octane No. 76 as specified above must be sold without the addition of any foreign coloring matter.

Approved March 4, 1953.

GAME, FISH AND PREDATORS

CHAPTER 156

H. B. No. 571

(Walter Bubel and Elmer Hegge)

DEFINING WILD TURKEYS AS "GAME BIRDS"; ISSUANCE OF LICENSE TO HUNT

AN ACT

To amend and reenact subsection 6 of section 20-0101 of the North Dakota Revised Code of 1943 and chapter 166 of the 1951 Session Laws, including wild turkeys under the definition of "game birds" and providing for the issuance of licenses to hunt wild turkeys.

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

§ 1. AMENDMENT.) Subsection 6 of section 20-0101 is hereby amended and reenacted to read as follows:

6. "Game birds" shall include any and all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, and doves;

§ 2. AMENDMENT.) Chapter 166 of the 1951 session laws is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what time the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game and wild turkey permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game and wild turkeys only. In addition, the governor may include in his order or proclamation such provisions of the federal laws and regulations relating to migratory birds as he deems advisable.

Approved March 5, 1953.

CHAPTER 157

S. B. No. 186
(Hagen, Solberg, Krenz, and Gronvold)

DEFINING "GAME ANIMALS"

AN ACT

To amend and reenact subsection 7 of section 20-0101 of the North Dakota Revised Code of 1943, relating to game animals.

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

§ 1. AMENDMENT.) Subsection 7 of section 20-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Game animals" shall include big game animals, as herein defined and badgers, beavers, minks, muskrats, raccoons, and weasels;

Approved February 28, 1953.

CHAPTER 158

H. B. No. 831
(Thompson, Frank, Helm, Hegge and Schuler)

HOURS OF HUNTING

AN ACT

To amend and reenact section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to hours for hunting.

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

§ 1. AMENDMENT.) Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0106. HOURS FOR HUNTING GAME BIRDS AND PROTECTED GAME ANIMALS.) No person during the time elapsing between actual sunset of one day and one-half hour before sunrise of

the next day, shall hunt, pursue, catch, shoot at, or in any manner molest any game bird or protected animal within the borders of this state. The provisions of this section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by section 20-0105. The hours and manner of hunting upland game birds and game animals may be restricted further by a proclamation issued by the governor pursuant to the provisions of chapter 8 of this title.

Approved March 13, 1953.

CHAPTER 159

S. B. No. 59
(Legislative Research Committee)
(at the request of)
(The Game and Fish Department)

DISTRICT DEPUTY GAME WARDENS

AN ACT

To amend and reenact section 20-0211 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to district deputy game wardens.

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

§ 1. AMENDMENT.) Section 20-0211 of the 1949 Supplement to 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 twenty-three 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.

Approved March 4, 1953.

CHAPTER 160

H. B. No. 551
(Legislative Research Committee)
(at the request of)
(The Game and Fish Department)

FISHING LICENSE FEES

AN ACT

To amend and reenact subsection 7 of section 20-0312 of the North Dakota Revised Code of 1943, and subsection 2 of section 20-0302 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to fishing license fees.

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

§ 1. AMENDMENT.) Subsection 7 of section 20-0312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. For a resident fishing license, the sum of one dollar; and

§ 2. AMENDMENT.) Subsection 2 of section 20-0302 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Any resident of this state under the age of eighteen years or sixty five years of age or over may fish without first having obtained a resident fishing license as prescribed in this chapter.

Approved March 12, 1953.

CHAPTER 161

H. B. No. 839
(Bourgois, Brown and Larson of Burleigh)
(By Request)

PROTECTION OF NESTS AND EGGS OF PROTECTED BIRDS

AN ACT

To amend and reenact section 20-0412 of the North Dakota Revised Code of 1943, relating to nests and eggs of protected birds.

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

§ 1. AMENDMENT.) Section 20-0412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0412. NESTS AND EGGS OF PROTECTED BIRDS PROTECTED.) No person, at any time, shall take, have in his possession or under his control or needlessly break up or destroy, or in any manner interfere with the nest, or the eggs of any kind of bird, the killing of which is prohibited at any time without a permit issued by the North Dakota game and fish commissioner.

Approved March 10, 1953.

CHAPTER 162

H. B. No. 679
(Power and Leier)

MANNER IN WHICH BIG GAME MAY BE TAKEN; REPEAL

AN ACT

To repeal section 20-0504 of the 1943 Revised Code relating to the manner in which big game may be taken.

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

§ 1. REPEAL.) Section 20-0504 of the 1943 Revised Code is hereby repealed.

Approved March 10, 1953.

CHAPTER 163

H. B. No. 706
(Leier, Sailer, Etestad, Vinje)

PLACING SEALS ON BIG GAME ANIMALS; TAKING OF GAME
BIRDS, FISH AND GAME ANIMALS

AN ACT

To amend and reenact subsection 2 of section 20-0507 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the placing of seals on big game animals; and to amend and reenact section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the contents of the governor's proclamation relative to the taking of game birds, fish and game animals.

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

§ 1. AMENDMENT.) Subsection 2 of section 20-0507 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Affix to the carcass of such animal, before it is transported in any manner, or offered for transportation, a metal locking seal bearing his big game hunting license number. Such seal shall be attached around the antler of any animal having antlers, and through the ear of any animal not having antlers, in such a manner as not to be lost or removed. Failure to attach such seal in the manner provided by this section shall be a misdemeanor and be punishable as provided by section 20-0508 of this title.

§ 2. AMENDMENT.) Section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what times the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game only. When a limited number of big game licenses are issued by lottery and the number of applicants is greater than the number of licenses to be issued, any applicant who is successful in obtaining such a license shall not be eligible to apply for a license to hunt the same species of big game for the two ensuing lottery years, except that owner operators or operators, living within the boundaries of the legal open area shall be entitled to apply for one such license for each farmstead unit in each consecutive season.

Approved March 10, 1953.

CHAPTER 164

S. B. No. 61
(Legislative Research Committee)
(at the request of)
(The Game and Fish Department)

TAKING, POSSESSING, OWNING AND TAGGING
FUR BEARING ANIMALS

AN ACT

To amend and reenact sections 20-0701, 20-0702, 20-0705, 20-0710, 20-0713, and 20-0721 of the North Dakota Revised Code of 1943, as amended, and to repeal sections 20-0703, 20-0706, 20-0707, 20-0708, 20-0709, 20-0719, and 20-0720 of the North Dakota Revised Code of 1943, as amended, relating to the taking, possessing, owning and tagging of fur bearing animals.

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

§ 1. AMENDMENT.) Section 20-0701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0701. PROPERTY RIGHTS: WILD FUR-BEARING ANIMALS.) Any person, firm, or corporation raising and owning any protected fur bearing animal or in possession of the pelt of any wild animal lawfully obtained, shall have the same property rights therein as those enjoyed by owners of domestic animals. They shall, however, be subject to all rules and regulations

promulgated by the commissioner in regard to the introduction into the state of such animals or their release, as provided in chapter 165 of the 1951 session laws of the State of North Dakota.

§ 2. AMENDMENT.) Section 20-0702 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0702. FUR-BEARING ANIMALS WHICH ARE PROTECTED: NOT TO BE TAKEN OR DISTURBED DURING CLOSED SEASONS.) No person shall hunt, shoot, trap, or take, in this state, any minks, muskrats, badgers, weasels, beavers, or raccoons, except during the open or lawful season thereon as established under the provisions of section 20-0801 or section 20-0704.

§ 3. AMENDMENT.) Section 20-0705 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0705. MANNER OF TAKING PROTECTED FUR BEARING ANIMALS RESTRICTED; DESTRUCTION OF PROPERTY OF OTHERS UNLAWFUL.) It shall be unlawful to molest or destroy the natural burrow, den, or retreat of any protected fur bearers, or to damage or injure the personal or real property of another while taking or attempting to take such fur-bearer, except that the governor, at the advice of the commissioner, may by proclamation determine the manner in which fur-bearing animals may be taken other than as provided by this section.

§ 4. AMENDMENT.) Section 20-0710 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0710. LIMITED LICENSES TO TAKE BEAVERS ISSUED BY COMMISSIONER; WHEN.) A limited license to take beavers upon particular land may be issued by the commissioner whenever:

1. Beavers become so numerous in any locality, including any state game refuge, that, in the judgment of the commissioner, a limited number from such locality may be taken without unduly depleting the species; or
2. Beavers are causing substantial damage to public or private property such as seriously to prejudice property rights therein.

No such license to take beavers shall be issued without the written approval of any person or persons owning, or holding a lease governing, the surface rights to, or the occupancy of, the land involved. At the recommendation of the commissioner, the governor may declare an open season on beaver.

§ 5. AMENDMENT.) Section 20-0713 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0713. WHO ENTITLED TO LIMITED LICENSE TO TAKE BEAVERS.) The owner, or a duly authorized agent of the owner, of the land with reference to which the commissioner intends to issue a license to take a limited number of beavers shall have the first right and privilege, if the same is exercised within ten days after the receipt of the notice provided in section 20-0712, to make application for and obtain a license to trap and take the limited number of beavers contemplated to be taken on his land. If the owner fails to avail himself of such right within such ten day period, the commissioner may issue the license to any person making application therefor. The provisions of this section shall be inapplicable when the governor by proclamation declares an open season on beavers in any area.

§ 6. AMENDMENT.) Section 20-0721 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0721. PENALTY; EACH VIOLATION IS A DISTINCT OFFENSE.) Any person who unlawfully shall:

1. Kill, take, attempt to take, possess, transport, accept for transportation, buy, sell, offer for sale, barter, or otherwise dispose of any fur bearing animal or any part thereof; or
2. Take or attempt to take any fur-bearer outside of a regularly prescribed season, or without a license or as provided in section 20-0704, or violate any of the provisions of this chapter,

shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment. Each violation shall constitute a distinct and separate offense.

§ 7. REPEAL.) Sections 20-0706, 20-0707, 20-0708, 20-0719 and 20-0720 of the North Dakota Revised Code of 1943 and sections 20-0703 and 20-0709 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 4, 1953.

CHAPTER 165

H. B. No. 553
(Legislative Research Committee)
(at the request of)
(The Game and Fish Department)

POSTING OF STATE-OWNED LAND; ESTABLISHMENT OF
STATE GAME MANAGEMENT AREAS; PENALTIES

AN ACT

To amend and reenact sections 20-1107 and 20-1111 of the North Dakota Revised Code of 1943, relating to the posting of state owned land by the commissioner and the penalties for hunting thereon; and providing for the establishment of state game management areas.

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

§ 1. AMENDMENT.) Section 20-1107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1107. GAME REFUGES TO BE POSTED BY COMMISSIONER; INSCRIPTION ON SIGNS; SIGNS HOW LOCATED.) Each state game refuge shall be posted by the commissioner with sign boards upon which shall be printed the words "State Game Refuge" or "State Game Management Area". Such signs shall be located at each corner of the refuge and along its outer lines at intervals of approximately eighty rods.

§ 2. ESTABLISHMENT OF STATE GAME MANAGEMENT AREA.) Any state game refuge upon state owned land may be reclassified as a "State Game Management Area" at the discretion of the commissioner. Such state game management areas may be opened for hunting or trapping under the provisions of chapter 20-08 of this title.

§ 3. AMENDMENT.) Section 20-1111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1111. PENALTY.) Except as provided in section 2 of this Act, any person:

1. Who, within the limits of any state or federal game refuge or state game management area, shall hunt, shoot, trap, kill, wound, take, or capture any game bird or protected animal;

2. Who shall drive any game bird or protected animal out of a state or federal game refuge or state game management area for the purpose of killing or capturing the same; or
3. Who, except as provided in sections 20-1109 and 20-1110, shall be found within the limits of any state game refuge or state game management area in possession of a firearm of any kind,

is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment. Any person convicted two or more times of violating any provision of this section shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than sixty days, or by both such fine and imprisonment.

Approved March 5, 1953.

CHAPTER 166

H. B. No. 584

(Committee on Natural Resources)

MANAGEMENT OF HEART BUTTE RESERVOIR LANDS BY GAME AND FISH COMMISSIONER

AN ACT

Authorizing the game and fish commissioner to manage certain lands known as the Heart Butte Reservoir acquired by the bureau of reclamation in North Dakota, for the next biennium beginning July 1, 1953 and ending June 30, 1955.

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

§ 1.) The game and fish commissioner, with the approval of the governor, shall have authority to enter into agreements with the bureau of reclamation for the management of lands in Heart Butte area acquired for the construction of dams on lakes or streams by the Bureau. Any revenues derived from the management of such lands or received from any federal agency for expenditure upon such lands shall not be commingled with other game and fish funds, but shall be deposited by the commissioner in a separate depository and expended for such purposes as may be agreed upon by the bureau of reclamation, the federal fish and wildlife service, the national park

service, and the game and fish commissioner, providing the authority herein granted is only for the biennium beginning July 1, 1953 and ending June 30, 1955.

Approved March 9, 1953.

CHAPTER 167

H. B. No. 552
(Legislative Research Committee)
(at the request of)
(The Game and Fish Department)

CONTROL AND REGULATION OF ALL WATER CRAFT;
LICENSING

AN ACT

To amend and reenact chapter 301 of the Session Laws of 1951, relating to control and regulation of all watercraft, and providing for the licensing of watercraft used for hire.

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

§ 1. AMENDMENT.) Section 1 of chapter 301 of the session laws of 1951 is hereby amended and reenacted to read as follows:

§ 1.) Any person who shall operate any watercraft upon any of the waters of this state,

1. While under the influence of narcotics or intoxicating liquors;
2. At a rate of speed dangerous to himself or other persons or property;
3. Which is not seaworthy by reason of construction, inadequate equipment, overcrowding or overloading according to standards prescribed by the commissioner; or
4. In a reckless or imprudent manner

shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment. The commissioner and his deputies shall enforce the provisions hereof.

§ 2.) The state game and fish commissioner, in order to promote the public safety, shall adopt rules and regulations to license watercraft used for hire, or furnished with cottages let for hire, and to prescribe the:

1. Safety equipment;
2. Construction; and
3. Manner of operation

of such craft. The commissioner shall provide for annual inspection of all watercraft used for hire to determine that rules and regulations governing such watercraft have been complied with, and may issue licenses to operate such watercraft under the following schedule:

- Class 1. Each craft capable of carrying two adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 2. Each craft capable of carrying three adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 3. Each craft capable of carrying four adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 4. Each craft capable of carrying five adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar.
- Class 5. Each craft capable of carrying not to exceed eight adults of average weight or a like weight in baggage, the license fee for such craft shall be one dollar and fifty cents.
- Class 6. Each craft capable of carrying not to exceed ten adults of average weight or a like weight in baggage, the license fee shall be two dollars.
- Class 7. Each craft capable of carrying not to exceed fifteen adults of average weight or a like weight in baggage, the license fee for such craft shall be five dollars.
- Class 8. Each craft capable of carrying sixteen or more adults of average weight or a like weight in baggage, the license fee for such craft shall be ten dollars.

It shall be the duty of the game and fish commissioner to issue along with each license, some evidence that the craft has been inspected and does conform to standards provided for in this Act. Any person found operating watercraft used for hire or furnished with cottages let for hire who is not in possession of a current year's license issued by the commissioner for the operation of such craft, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

Approved March 5, 1953.

GOVERNMENTAL FINANCE

CHAPTER 168

S. B. No. 78
(Torno and Troxel)

BOND ISSUES BY POLITICAL SUBDIVISIONS; "VALUE OF TAXABLE PROPERTY," "ASSESSED VALUATION"

AN ACT

To amend and reenact subsection 4 of section 21-0301 of the North Dakota Revised Code of 1943, as amended by chapter 170 of the Session Laws of 1951, defining value of taxable property and assessed valuation in relation to bond issues by political subdivisions, and declaring an emergency.

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

§ 1. AMENDMENT.) Subsection 4 of section 21-0301 of the North Dakota Revised Code of 1943, as amended by chapter 170 of the session laws of 1951, is hereby amended and reenacted to read as follows:

4. "Value of taxable property" or "the assessed valuation" of a municipality shall mean that portion of the value of all taxable property in such municipality as last finally equalized, against which the mill rate of taxes for state and county purposes is computed and extended, except that if prior to January 1, 1953, any school district shall have commenced the erection of a new school building or the school building in such school district shall have been destroyed and such school district shall vote to issue bonds for the purpose of completing or erecting a school building prior to January 1, 1954, or if special improvement warrants were issued by a municipality prior to January 1, 1935, and bonds are issued to cover a deficiency in the fund for the payments of such warrants as provided in section 21-0306, subsection 2, subdivision g, then for the purpose of determining the limit of indebtedness of such municipality as applied to the issuance of such bonds, such terms shall mean the full and true one hundred percent value of all taxable property in such municipality as finally equalized by the state board of equalization.

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

Approved February 20, 1953.

CHAPTER 169

S. B. No. 73
(Solberg)

LEGALIZING AND VALIDATING SCHOOL DISTRICT
BOND ISSUES

AN ACT

Legalizing and validating school district bond issues notwithstanding certain defects in preliminary proceedings therefor, limiting time for commencement of actions and interposition of defenses and counterclaims founded upon such defects and declaring an emergency.

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

§ 1. In all cases where the electors of any school district in this state prior to December 1, 1952 have voted for the issuance of bonds of such school district by a majority of not less than seventy-five percent of the votes cast upon the question of issuing such bonds, all proceedings taken preliminary to and in the call and holding of the election at which such bonds were voted are hereby legalized and validated, notwithstanding any errors, omissions or defects, other than constitutional, in such proceedings or in the notice of such election.

§ 2. From and after April 1st, 1953, no action shall be commenced or maintained and no defense or counterclaim in any action shall be recognized in the courts, based upon any of the errors, omissions or defects specified in section 1 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 2, 1953.

CHAPTER 170

H. B. No. 846
(Delayed Bills Committee)

USE OF PROCEEDS OF SCHOOL DISTRICT BOND ISSUES TO
PAY ADVANCE RENTALS TO STATE SCHOOL
CONSTRUCTION FUND

AN ACT

To amend and reenact subsection 4 of section 21-0306 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to bond issues and providing that proceeds of school district bond issues may be used to pay advance rentals to the state school construction fund.

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

§ 1. AMENDMENT.) Subsection 4 of section 21-0306 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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, to pay advance rentals to the state school construction fund, 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 March 13, 1953.

CHAPTER 171

S. B. No. 262
(Day)

DISPOSAL OF MUNICIPAL BOND PROCEEDS

AN ACT

Relating to disposal of bond proceeds.

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

§ 1. DISPOSAL OF BOND PROCEEDS.) The proceeds of any municipal bond sale, which have not been used for the purpose issued within ten years after date of issue, may be disposed of by the governing body of the municipality as follows:

1. Sufficient funds shall be transferred to the sinking fund of such issue in an amount equal to the principal of bonds outstanding and the interest requirements.
2. The governing body may by a two-thirds vote of all its members transfer such funds to any or all other debt sinking funds of the municipality.
3. The governing body, upon approval by a majority vote of the electors, voting at an election called therefor, may use the funds for some other purpose authorized by law.

If any funds remain, they shall be transferred to the general fund of the municipality.

Approved March 7, 1953.

HEALTH AND SAFETY

CHAPTER 172

H. B. No. 542
(Legislative Research Committee)
(at the request of)
(The Department of Health)

FEES OF STATE REGISTRAR OF VITAL STATISTICS

AN ACT

To amend and reenact section 23-0205 of the North Dakota Revised Code of 1943, relating to fees of the state registrar of vital statistics.

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

§ 1. AMENDMENT.) Section 23-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0205. FEES OF STATE REGISTRAR.) The state registrar shall collect the following fees:

1. For a certified copy of a birth or death certificate, one dollar;
2. For a registrar's certificate of record of birth, one dollar; and
3. For filing a delayed registration of birth for any person twelve years of age and over, two dollars. This fee shall be collected in addition to the one dollar fee for registrar's certificate or certified copy.

Such fees shall be paid by the applicant to the state registrar, who shall keep a correct account thereof and turn the same over to the state treasurer.

Approved February 27, 1953.

CHAPTER 173

H. B. No. 648
(Fitch)

COMPENSATION OF COUNTY SUPERINTENDENT OF
PUBLIC HEALTH

AN ACT

To amend and reenact section 23-0305 of the North Dakota Revised Code of 1943, relating to the compensation of the County Superintendent of Public Health.

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

§ 1. AMENDMENT.) Section 23-0305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0305. COMPENSATION OF COUNTY SUPERINTENDENT OF PUBLIC HEALTH.) The county superintendent of public health shall receive such compensation as the board of county commissioners may determine.

Approved March 5, 1953.

CHAPTER 174

H. B. No. 592
(Lindberg of Stutsman and Heimes)

PRE-ARRANGED FUNERAL PLANS; PENALTY

AN ACT

Relating to payments made under pre-arranged funeral plans, and requiring the proceeds thereof to be deposited in a bank or trust company for the purposes intended under certain conditions; requiring banks to keep a record of deposit, and providing for penalty thereof.

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

§ 1. PAYMENTS ON PRE-ARRANGED FUNERALS TO BE DEPOSITED IN A BANK OR TRUST COMPANY UNDER CERTAIN CONDITIONS.) Whenever payments are made upon pre-arranged funeral plans to a funeral director, cemetery association or other person, for professional service or in payment of personal property to be used in funeral services, and such services or property are not immediately required, all payments made under the agreement shall be deposited within thirty days in a bank or trust company carrying federal deposit insurance and located within the state of North Dakota. Such funds may be released by the bank or trust company to the depositor upon the death of the person for whose benefit the funds were paid. A certified copy of the certificate of death shall be furnished to the bank or trust company as prima facie evidence of death. Such funds may be released by the bank or trust company to the person making such payment, prior to the death of the person for whose benefit the funds are paid, upon a five day written notice by registered mail made by the bank or trust company to the depositor at the request of the person making such payment.

§ 2. BANK SHALL KEEP RECORD OF DEPOSIT.) Any bank or trust company receiving such a deposit shall keep a complete record thereof, showing the name of the depositor, name of the person making payment, name of the person for whose benefit payment is made, and any other pertinent information.

§ 3. PENALTY.) Any person who shall violate any provision of sections 1 and 2 hereof shall be guilty of a misdemeanor.

Approved March 20, 1953.

CHAPTER 175

S. B. No. 115
(Duffy)

MEETINGS OF DISTRICT BOARD OF HEALTH;
HEALTH FUND

AN ACT

To amend and reenact sections 23-1409 and 23-1411 of the North Dakota Revised Code of 1943, relating to meetings and organizations of district board of health, providing for election and bonding of treasurer, and authorizing disbursement of health district fund by the treasurer, and increasing the maximum mill levy.

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

§1. AMENDMENT.) Section 23-1409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1409. MEETINGS OF BOARD OF HEALTH.) The district board of health shall meet at least quarterly at the courthouse in the county seat of the county, and if two or more counties constitute the local health district the first meeting shall be held at the courthouse in the county seat of the larger county as determined by the most recent state and federal census. Subsequent quarterly meetings and special meetings shall be held at a place to be determined by the board, with the thought of rotating the meeting place among the various counties of the district. At the first meeting after their appointment, and annually thereafter, the members of the board shall organize by electing a president, a treasurer, and such other officers as they deem necessary. The treasurer shall be bonded in an amount to be fixed by the board. Upon his appointment and qualification, the district health officer shall be, ex officio, the secretary of the board and shall keep such records and make such reports as may be required by the board and by the state department of health. The office of secretary and treasurer may be combined.

§ 2. AMENDMENT.) Section 23-1411 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1411. HEALTH FUND; HOW PROVIDED.) All salaries, mileage, compensation, and expenses provided for herein shall be paid as the salaries, mileage, compensation, and expenses of other county officers now are paid, out of a health district fund as follows:

1. The district board of health, as provided in this chapter, shall prepare a budget for the next fiscal year at the time at which and in the manner in which a county budget is adopted and it shall be submitted to the joint board of county commissioners for approval. The amount budgeted and approved shall be prorated, in health districts composed of more than one county, among the various counties in the health district according to the assessed valuation of the respective counties comprising the said health district, and shall be certified by the district health board to the respective county auditors of such counties within ten days thereafter, and shall be included in the levies of such counties. The amount called for in the budget shall not exceed the amount which can be raised by a levy of three-fourths mill on the assessed valuation. Such levy shall not be subject to the limitation on county tax levy for general and special county purposes, and the amount derived therefrom shall be placed in a special health fund. The health fund shall be deposited with and disbursed by the treasurer of the district board of health, and all counties comprising the health district shall remit and make settlements with such treasurer quarterly. Any funds remaining at the end of any fiscal year may be carried over to the next fiscal year;
2. All claims against the district health fund shall be audited by the district board of health, and shall be paid from the district health fund by the treasurer upon order of the district board of health.

Approved March 12, 1953.

CHAPTER 176

S. B. No. 116
(Nordhougen, Streibel, Duffy)

LICENSING OF MEDICAL HOSPITALS

AN ACT

To amend and reenact section 23-1601 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) That section 23-1601 of the 1949 Supplement to the North Dakota Revised Code of 1943 be, and the same is hereby amended and reenacted to read as follows:

23-1601. 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 (23-1602 and 23-1603). Hospitals maintained and operated 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 (and emergency or transfer beds not to exceed four in number attached to and forming a part of the office of a licensed medical doctor) are not required to obtain a license under this Act (chapter). 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.

In the case of emergency or transfer beds attached to and forming a part of a licensed medical doctor's office the state department of health shall have the right of inspection.

Approved March 14, 1953.

HIGHWAYS, BRIDGES AND FERRIES

CHAPTER 177

H. B. No. 560
(Legislative Research)

STATE HIGHWAY SYSTEM

AN ACT

Relating to the state highway system, county road system, and municipal streets; providing for highway administration, standards for construction and maintenance, planning and research; authorizing contracts and acquisition of land, equipment, and materials; providing for control of access and right-of-way; repealing chapter 24-01, except section 24-0101, chapter 24-02, except section 24-0238, chapter 24-03, chapter 24-04, sections 24-0811 and 24-0901, and chapter 24-12, except section 24-1210, of the North Dakota Revised Code of 1943; repealing sections 24-01231, 24-0206, 24-0207, 24-0214, 24-02191, 24-0633, 24-0812, 24-1202, 24-1213, 39-07031 and 39-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943; and repealing chapter 176, chapter 179, chapter 181, section 1 of chapter 236, and chapter 316 of the North Dakota Session Laws of 1951.

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

§ 1. DECLARATION OF LEGISLATIVE INTENT.) Adequate roads and streets provide for the free flow of traffic; result in low cost of motor vehicle operation; protect the health and safety of the citizens of the state; increase property value; and generally promote economic and social progress of the state. Therefore, the legislative assembly hereby determines and declares that an adequate and integrated system of roads and streets is essential to the general welfare of the state of North Dakota.

In designating the highway systems of this state, as hereinafter provided, the legislative assembly places a high degree of trust in the hands of those officials whose duty it shall be, within the limits of available funds, to plan, develop, operate, maintain and protect the highway facilities of this state, for present as well as for future use. To this end, it is the intent of the legislative assembly to make the state highway commissioner, and the state highway department acting through him, custodian of the state highway system and to provide sufficiently broad authority to enable the commissioner to function adequately and efficiently in all areas of appropriate jurisdiction with specific details to be determined by reasonable rules

and regulations which may be promulgated by him, subject to the limitations of the constitution and the legislative mandate hereinafter imposed.

It is recognized that the efficient management, operation and control of our county roads, city streets, and other public thoroughfares are likewise a matter of vital public interest. Therefore, it is the further intent of the legislative assembly to bestow upon the boards of county commissioners similar authority with respect to the county road system and to local officials with respect to the roads under their jurisdiction.

While it is necessary to fix responsibilities for the construction, maintenance and operation of the several systems of highways, it is intended that the state of North Dakota shall have an integrated system of all roads and streets to provide safe and efficient highway transportation throughout the state. To this end, it is the intent of the legislative assembly to give broad authority and definite responsibility to the state highway commissioner and to the boards of county commissioners so that working together, free from political pressure and local interests, they may provide for the state an integrated system of state and county highways built upon a basis of sound engineering with full regard to the interest and well-being of the state as a whole.

Providing adequate public highway facilities, including rural and urban links, is hereby declared to be a proper public use and purpose and the legislative assembly hereby determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety, for the promotion of the general welfare, and as a contribution to the national defense.

§ 2. DEFINITION OF WORDS AND PHRASES.) The following words and phrases when used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this chapter:

1. "Abandonment" shall mean cessation of use of right-of-way or activity thereon with no intention to reclaim or use again for highway purposes.
2. "Acquisition or taking" shall mean the process of obtaining right-of-way.
3. "Arterial highway" shall mean a general term denoting a highway primarily for through traffic, usually on a continuous route.
4. "Belt highway" shall mean an arterial highway for carrying traffic partially or entirely around an urban area or portion thereof.
5. "Capacity" shall mean the ability of a roadway to accommodate traffic.

6. "Commission" shall mean the public service commission of the state of North Dakota.
7. "Commissioner" shall mean the commissioner of the state highway department.
8. "Consequential damages" shall mean loss in value of a parcel, no portion of which is acquired, resulting from a highway improvement.
9. "Controlled-access facility" shall mean a highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.
10. "County road system" shall mean the system of secondary highways designated by the county officials, the responsibility for which is lodged with the counties.
11. "Department" shall mean the highway department of this state.
12. "Direct compensation" shall mean payment for land or interest in land and improvements actually acquired for highway purposes.
13. "Divided highway" shall mean a highway with separated roadways for traffic in opposite directions.
14. "Easement" shall mean a right acquired by public authority to use or control property for a designated highway purpose.
15. "Expressway" shall mean a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.
16. "Fee simple" shall mean an absolute estate or ownership in property including unlimited power of alienation, except as to any and all lands acquired or taken for highway, road or street purposes. Where lands are taken for such purposes, "fee simple" shall not be deemed to include any oil, gas or fluid mineral rights.
17. "Freeway" shall mean an expressway with full control of access.
18. "Frontage street or road" shall mean a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

19. "Grade crossing" shall mean the intersection of a public highway and of the track or tracks of any railroad, however operated, on the same plane or level, other than a street railway within the limits of a city or village.
20. "Highway, street, or road" shall mean a general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. A highway in a rural area may be called a "road," while a highway in an urban area may be called a "street."
21. "Intersection" shall mean a general term denoting the area where two or more highways join or cross.
22. "Local street or local road" shall mean a street or road primarily for access to residence, business, or other abutting property.
23. "Market value" shall mean the highest price for which property can be sold in the open market by a willing seller to a willing purchaser, neither acting under compulsion and both exercising reasonable judgment.
24. "Major street or major highway" shall mean an arterial highway with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.
25. "Median" shall mean the portion of a divided highway separating the traveled ways for traffic in opposite directions.
26. "Municipal corporation or municipality" shall mean all cities, towns, and villages organized under the laws of this state, but shall not include any other political subdivisions.
27. "Outer separation" shall mean the portion of an arterial highway between the traveled ways of a roadway for through traffic and a frontage street or road.
28. "Partial taking" shall mean the acquisition of a parcel of property.
29. "Person" shall mean any person, firm, partnership, association, corporation, organization or business trust.
30. "Roadside" shall mean a general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

31. "Roadway" shall mean in general, the portion of a highway, including shoulders, for vehicular use. In construction specifications, the portion of a highway within limits of construction.
32. "Radial highway" shall mean an arterial highway leading to or from an urban center.
33. "Remainder" shall mean the portion of a parcel retained by the owner after a part of such parcel has been acquired.
34. "Remnant" shall mean a remainder so small or irregular that it usually has little or no economic value to the owner.
35. "Right of access" shall mean the right of ingress to a highway from abutting land and egress from a highway to abutting land.
36. "Right of survey entry" shall mean the right to enter property temporarily to make surveys and investigations for proposed highway improvements.
37. "Right-of-way" shall mean a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to a highway.
38. "Right-of-way appraisal" shall mean a determination of the market value of property including damages, if any, as of a specified date, resulting from an analysis of facts.
39. "Right-of-way estimate" shall mean an approximation of the market value of property including damages, if any, in advance of an appraisal.
40. "Severance damages" shall mean loss in value of the remainder of a parcel resulting from an acquisition.
41. "Shoulder" shall mean the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
42. "State highway system" shall mean the system of state primary roads designated by the state highway commissioner, the responsibility for which is lodged in the state highway department.
43. "Traffic lane" shall mean the portion of the traveled way for the movement of a single line of vehicles.

44. "Traveled way" shall mean the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
45. "Through street or through highway" shall mean every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected.

§ 3. STATE HIGHWAY DEPARTMENT ESTABLISHED.) There is hereby established a state highway department which shall be known as the North Dakota state highway department. The department shall consist of a state highway commissioner, a chief engineer and other engineers, draftsmen, persons and employees necessary to carry out the intent and purpose of this Act.

§ 4. STATE HIGHWAY COMMISSIONER; APPOINTMENT; TERM; REMOVAL; OATH, BOND.) A state highway commissioner shall be appointed by the governor and shall serve at the pleasure of the governor. Such commissioner, upon appointment, shall take and file the oath prescribed by law for state officers, and shall be bonded in the state bonding fund, in the sum of twenty-five thousand dollars.

§ 5. COMMISSIONER IS HEAD OF DEPARTMENT.) The commissioner shall have full control, management, supervision, administration, and direction of the department and shall perform such other duties as may be imposed upon him or placed under his jurisdiction. All powers and duties which hereinafter may be conferred on the department shall be exercised solely by and through the commissioner.

§ 6. RESPONSIBILITIES OF COMMISSIONER.) The commissioner shall:

1. Have charge of the records of the department;
2. Cause minutes of his acts and accurate and complete books of account to be kept;
3. Supervise the signing of vouchers, orders for supplies, materials, and any other expenditures;
4. Employ all engineers, assistants, clerks, agents, attorneys, and other employees, required for the proper transaction of the business of his office, or of the department, fix their titles, determine their duties, the amount of their bonds in the state bonding fund, if any are required, and their compensation, and shall discharge them in his discretion; and

5. Sign and execute all contracts and agreements for highway construction and the purchase of machinery, materials, and supplies.

§ 7. COMMISSIONER TO DEVOTE FULL TIME TO OFFICE.) The commissioner shall not hold any other office under the laws of this state or of any other state or of the United States. He shall reside at the capital of the state, and shall devote his entire time to the duties of his office, and shall not hold any position of trust or profit, nor engage in any business or occupation interfering or inconsistent with his duties, nor shall he serve on or under any committee of any political party.

§ 8. OFFICE HOURS OF COMMISSIONER.) The office of the commissioner shall be open for the transaction of business every day of the year, except Sundays and legal holidays, and the commissioner, or whosoever may be designated by him, may hold sessions or conduct investigations or hearings at the capitol, or at any other place within the state when deemed necessary to facilitate the work of the department.

§ 9. SALARY OF COMMISSIONER.) The commissioner shall receive a salary in such sum as shall be determined by the governor but not to exceed the sum of ten thousand dollars annually. He also shall receive his expenses actually and necessarily incurred in the performance of the duties of his office.

§ 10. CHIEF ENGINEER; QUALIFICATIONS; SALARY.) The chief engineer shall be a competent civil engineer, a graduate of an approved engineering school, with at least five years' experience in highway and bridge construction, maintenance, and repair, or in case he shall not be a graduate of some college or school of engineering, he shall have at least ten years' experience in highway and bridge construction and maintenance. He shall serve at the pleasure of the commissioner and shall be paid such compensation as the commissioner shall prescribe. He shall devote all his time and service to the department and shall exercise such powers and perform such duties as may be prescribed by the commissioner.

§ 11. EXPENSES OF DEPARTMENT EMPLOYEES.) In addition to the compensation received for their service, employees of the department shall be entitled to receive their expenses actually and necessarily incurred in the performance of their duties, the amount of the expenses so allowed to be fixed and determined by the commissioner.

§ 12. ENGINEERING CONSULTING SERVICES.) The commissioner is authorized to provide consulting engineering services, upon request, to any governmental unit.

§ 13. COORDINATOR OF HIGHWAY ROAD AND STREET PROGRAM, WITHIN STATE.) The commissioner shall have the authority and responsibility for the coordination of the total highway road and street program within this state, including the designation of systems and the development of construction standards as hereinafter provided for, and shall review the annual programs for each of the major systems to ensure coordination of planning and general conformity with the law. To obtain coordination, programs for the road systems of the counties and cities shall be initiated by the respective county and city authorities and approved by the commissioner.

§14. DEPARTMENTAL BUDGETS.) Not later than the thirty-first day of December of each year, the commissioner shall adopt a departmental budget wherein shall be allocated, set aside, and appropriated to each department, division, section, or activity of the department for the ensuing calendar year, a definite and fixed sum or allowance in such amount and with such detail as the commissioner may elect for the use and purpose specified in such departmental budget. Nothing herein, however, shall prevent the commissioner from adding to, amending, revising, or reducing from time to time and as circumstances may warrant, such departmental budget.

§ 15. DEPARTMENTAL BUDGET ESTIMATES.) Not later than the fifteenth day of November of each year, each head of a department, division, section, or activity of the department who may be directed and designated to do so by the commissioner, shall submit to the commissioner an outline of the work which should be undertaken by such department, division, section, or activity during the following calendar year and the estimated expense thereof, in such detail as the commissioner may prescribe, together with such other cost data and information as the commissioner shall direct.

§ 16. BIENNIAL REPORT.) On or before January fifteenth of each odd numbered year, the commissioner shall transmit to the governor a full and complete biennial report of the activities of his office for the preceding two calendar years.

§ 17. RECORDS OF DEPARTMENT OPEN TO PUBLIC; CERTIFIED COPIES.) The commissioner shall be custodian of, and shall preserve, the files and records of the department. The files and records of the department shall be open to public inspection under reasonable regulations. Copies of said files and records, when certified by the commissioner as being true copies, shall be received in evidence in any court in the state with the same force and effect as the originals.

The books of account of the department shall be kept accurately and completely as shall be prescribed or approved

by the state examiner, which shall show among other things the following facts:

1. The cost of maintaining the department, including the salaries and expenses of the individual members thereof;
2. The amounts of money expended for the construction or maintenance of the state highways, when and where, and upon what job or portion of the road expended, so that the cost per mile of such construction or maintenance can be ascertained with ease; and
3. The amount of road equipment and materials purchased and when and where and from whom purchased. Such book also shall show the price paid for each item. The original invoice shall form a part of the permanent files and records in said department.

§ 18. AUDITING AND PAYMENT OF PAY ROLLS.) Pay roll vouchers prepared on forms adopted in accordance with section 88 of this Act, shall be certified and approved by the commissioner and the same shall be presented to the state auditor, who shall draw his warrant for each person named thereon without submitting such payroll vouchers to the state auditing board for its examination and approval.

§ 19. PAYMENT OF ESTIMATES ON CONTRACT.) Whenever any estimate or allowance for payment, except a final estimate or payment subsequent to a final estimate, is allowed, or granted, on a contract entered into by the department, and the same is vouchered by the department for presentation to the state auditor, or the county auditor, as the case may be, instead of submitting the same to the contractor for certification by him, the chief engineer of said department shall make the following certificate, in lieu of the certificate otherwise required by law, which shall be printed on the said voucher or claim:

ESTIMATE CERTIFICATE

I hereby certify that the within estimate or claim is just and true, that the contractor herein named has rendered the services and furnished the material herein charged, that they are of the value claimed, that no part thereof has been paid, and that the foregoing estimate or claim is supported by a proper contract and bond on file in the Department.

.....
Chief Engineer,
State Highway Department

After a certified estimate has been approved for payment by the commissioner, the same shall be presented to the state auditor or county auditor, as the case may be, for payment. The state auditor thereupon shall draw his warrant therefor as provided by law without submitting such voucher or claim to the state auditing board for examination and allowance. The foregoing procedure shall not apply to the final estimate or allowance to a contractor, nor to any estimate or allowance subsequent or supplemental to such final estimate, but such final estimate, or supplemental allowance, shall conform to the provisions of law relative to the certification and approval of any other claim or demand.

§ 20. ACTS PROHIBITED.) Any person who willfully or knowingly makes a false or erroneous certificate or claim is guilty of a misdemeanor, and, in addition thereto, he shall be liable personally for such claim, estimate, or allowance falsely certified.

§ 21. ACTION AGAINST EMPLOYEE OF DEPARTMENT ON BOND.) The state, and civil government divisions thereof, and any person damaged by any wrongful act or omission of any bonded employee of the department in the performance of his official duties may maintain an action on his bond for the recovery of damages so sustained.

§ 22. ASSENT TO FEDERAL AID GIVEN.) The legislative assent required by section 1 of the Act of Congress approved July 11, 1916, public law No. 156, entitled "An act to provide that the United States shall aid the States in the Construction of Rural Post Roads, and for Other Purposes", is hereby given. The commissioner is authorized and empowered to make all contracts and to do all things necessary to cooperate with the United States government in the construction of roads under the provisions of the said act or other act of congress that hereafter may be enacted, including the Federal-Aid Highway Act of 1950 regarding secondary roads.

§ 23. FEDERAL AID HIGHWAYS INCLUDED IN HIGHWAY SYSTEMS OF STATE.) In the selection and designation of highway systems, as provided for under this title, due consideration shall be given to those highways on which federal-aid funds have been expended, and where practicable and justifiable, such federal-aid highways shall be included in said systems.

§ 24. FEEDER ROADS; COMMISSIONER MAY COOPERATE WITH FEDERAL GOVERNMENT.) The commissioner may receive any appropriations made by Congress of the United States to be applied on the county road system, and other roads or streets not on the state highway system and may carry out the intent and purpose of such appropriations to the same extent that he

now may cooperate legally on roads which are on the state highway system.

§ 25. COUNTY ROAD PROGRAM INCLUDING FARM TO MARKET AND FEDERAL AID; TAX LEVY.) The board of county commissioners of any county in this state may prepare a proposed county construction program of farm-to-market and federal aid roads on the county road system, setting forth a general description of the roads to be constructed, the location of bridges constituting a part of the program, the approximate total mileage, and the priority of construction. After approval of such program by the department and the bureau of public roads, the board may submit such program to the electors of the county with the question of levying a tax of not to exceed five mills upon the net taxable assessed valuation of all property in the county for the completion of such program by matching, from the proceeds of such tax, federal funds available for federal aid, secondary and feeder roads, farm-to-market roads, and all roads as provided for under public law 769, 81st congress, or future federal aid highway acts of a similar character. If the majority of the electors voting on the question approve such program and levy, annually thereafter until such program is completed the board shall levy a tax not in excess of five mills, which levy shall not be subject to the county mill levy limitations, and the proceeds of such tax shall be used only for matching federal aid available for such program which shall be the official county road program.

§ 26. MUNICIPALITIES MAY AID FEDERAL HIGHWAY CONSTRUCTION.) Any municipality, through its governing body, wherever a federal aid highway is routed through such municipality, may participate in the financing, planning, construction and acquisition of right-of-way of said highway in the same manner and proportion as a county by law is permitted to contribute.

§ 27. MUNICIPALITIES MAY PAY SHARE OF HIGHWAY COST BY TAXES OR SPECIAL ASSESSMENTS.) Any municipality may raise funds for the purpose of meeting its share of the cost of construction, financing, planning or acquiring a right-of-way of a federal aid highway through general taxes to be levied at large throughout such municipality, or where such highway in the opinion of the governing body of said municipality particularly and materially benefits property abutting thereon, may provide said sum through special assessment.

§ 28. GENERAL LAWS GOVERN TAXES AND SPECIAL ASSESSMENTS TO PAY HIGHWAY COSTS.) All provisions of law relating to the levying of taxes for internal improvements of municipalities and the levying of special assessments for such improvements are applicable to sections 26 and 27 of this Act

insofar as they are not inconsistent with the general purpose thereof, namely, to permit such municipalities to participate in federal aid highway construction, financing, planning and acquisition of right-of-way, through and within their limits.

§ 29. DESIGNATION OF STATE HIGHWAY SYSTEM.) The commissioner is hereby vested with complete authority to designate, locate, create, and determine what roads, highways and streets shall constitute the state highway system, subject however, to such conditions, requirements and mileage limits as provided for by law. The total mileage of the state highway system may be increased by not to exceed twenty-five miles in any one calendar year and only in the event it becomes necessary to construct by-passes and alternate routes on said system. In designating, locating, creating and determining the several routes of the state highway system, the commissioner shall take into account such factors as the actual or potential traffic volumes, the conservation and development of the state's natural resources, the general economy of the state and communities, and the desirability of fitting such system into the general scheme of the nation-wide network of highways.

§ 30. RESPONSIBILITY FOR STATE HIGHWAY SYSTEM.) The commissioner shall be responsible for the construction, maintenance, and operation of the state highway system and he shall be authorized to enter into a cooperative agreement with any municipality for the construction, maintenance, or repair of any urban connecting street.

The jurisdiction, control and duty of the state and municipality with respect to such urban connecting streets shall be as follows:

- a. The commissioner shall have no authority to change or establish any grade of any such street without approval of the governing body of such municipality;
- b. The municipality shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;
- c. The municipality shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired by said municipality at its direction and without cost to the department;
- d. The municipality shall have exclusive right to grant franchises over, beneath and upon such streets.

§ 31. AUTHORITY TO ABANDON SECTIONS OF ROUTES.) The commissioner shall have the authority to abandon sections of routes on the state highway system when such abandoned sections are substantially replaced by improvements on new locations serving the area. Such abandonment may be made even though such highway is not placed on any other road system.

§ 32. MAPS OF STATE, COUNTY AND MUNICIPAL SYSTEMS.) The department at all times shall provide and maintain a map of the state, which shall show all the highways which have been designated, located, created, and constituted as part of the state highway system, the county road system, and the municipal arterial street system, and if practical the status of improvement thereof. Not later than the fifteenth day of January of each odd numbered year, it shall file a copy of such map in the office of the secretary of state and deposit another copy thereof with the state historical society.

§ 33. UNIFORM MARKING AND ERECTION OF SIGNS ON HIGHWAY.) The commissioner shall classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and which are under the jurisdiction of the department to provide a uniform system of marking and posting such highways. Such system of marking and posting shall correlate with, and, as far as possible, shall conform to the recommendations of the manual on traffic control devices as adopted by the American association of state highway officials.

§ 34. AUTHORITY TO PRESCRIBE TRAFFIC CONTROL SIGNALS.) The commissioner is hereby authorized and directed to prescribe types of traffic control signals which correlate with and, as far as possible, conform to the recommendations of the manual on uniform traffic control devices as adopted by the American association of state highway officials, and which shall be used to regulate traffic upon any highway, street or public way within this state. He shall also prescribe uniform rules for the placing and installation of such signals. After such types of traffic signals shall have been so prescribed and such rules promulgated, no municipality, public officer or employee shall install or cause to be installed any traffic signal which does not conform to such rules and requirements.

§ 35. LOCAL JURISDICTIONS MAY PROVIDE ADDITIONAL CAPACITY TO STATE HIGHWAY.) The governing board of any county, municipality, or township, as the case may be, may enter into a written agreement with the commissioner for the construction of a roadway or structure of greater width or capacity than would be necessary to accommodate the normal state

highway traffic, upon any state highway within its boundaries, and may appropriate from any funds available, and pay into the state highway fund, such sum or sums of money as may be agreed upon. Nothing herein contained shall prevent any such municipality from constructing the portions of the street not included in the state highway system independent of any contract with the department, if such construction shall conform to such reasonable regulations as the department may prescribe as to grade and drainage.

§ 36. MAINTENANCE OF ADDITIONAL WIDTH OF STATE HIGHWAY SYSTEM IN MUNICIPALITIES.) The governing body of any municipality may enter into a written agreement with the department for the maintenance of such additional width by the department, and from time to time in accordance with such agreement shall appropriate and pay into the state highway fund such sums of money as may be agreed upon. Nothing herein contained shall be construed to prevent any such municipality from maintaining such additional width at its own expense subject to the written approval of the department.

§ 37. REGULATION OF ADVERTISING SIGNS ON HIGHWAYS.) No person, firm or corporation shall place, put or maintain any sign, billboard or advertisement within the limits of a public highway, or in any manner paint, print, place, put or affix, or cause to be painted, printed, placed or affixed, any advertisement on or to any stone, tree, fence, stump, pole, mileboard, milestone, danger sign, danger signal, guide sign, guidepost, billboard, building or other object within the limits of a public highway, or place, put or maintain any sign or billboard upon private property within one thousand feet of any highway grade crossing in such place or manner as to obstruct or interfere with a free and clear view of such crossing from any highway or railroad intersecting thereat. None of the provisions of this section shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway or private property which, in the judgment of the commissioner, may be deemed to be a hazard to traffic, or in the future may tend to create a hazard to traffic, may be taken down, removed or destroyed by direction or authority of the department in the case of the state highway system, by the board of county commissioners in the case of the county road system, and by the board of township supervisors in the case of township roads.

§ 38. VEHICLE SIZE AND WEIGHT CONTROLLED.) The commissioner, with respect to highways under his jurisdiction, may:

1. Classify highways and enforce limitations as to weight

and load of vehicles thereon as provided under section 39-1201;

2. Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for under section 39-1202;
3. Prohibit the operation, or may impose restrictions on vehicular use of highways during certain seasons of the year as provided for under section 39-1203;
4. Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under section 39-1122.

§ 39. DETERMINATION OF SPEED.) The commissioner, with respect to highways under his jurisdiction may conduct an investigation and determine safe speed limits on any state highway as provided for under section 39-0902 and on any public bridge, causeway, or viaduct as provided for under section 39-0904.

§ 40. COMMISSIONER TO DESIGNATE THROUGH HIGHWAYS.) The commissioner, with reference to highways under his jurisdiction, may designate through highways by erecting stop signs at the entrances thereto as provided for under section 39-0703.

§ 41. ERECTION AND MAINTENANCE OF GUARD RAILS.) The commissioner shall have the authority to erect and maintain guard rails, stretch wires and other devices, on all highways under his jurisdiction, in the interest of public safety.

§ 42. GRADE CROSSING ELIMINATION.) The commissioner shall have the authority to contract, on an equitable basis with any railway company, and to let all the necessary contracts, for the construction of bridges, underpasses, and approaches necessary for the separation of grades at points of intersection between railroads and the state highways.

§ 43. RESPONSIBILITY FOR COUNTY ROAD SYSTEM.) The boards of county commissioners in their respective counties shall have the sole authority and responsibility to acquire land for, construct, maintain and operate the county road system as designated and selected by them.

§ 44. COUNTIES MAY COOPERATE WITH DEPARTMENT; PROCEDURE.) Whenever any board of county commissioners of any county shall decide that any road or roads in such county shall be improved or constructed in cooperation with the department, such board shall make written application to the commissioner for the improvement and construction thereof. If the

commissioner shall approve such application, he, in writing, shall notify the said board of such approval, and at the same time shall submit to the said board an estimate of the cost of such improvement, including the cost of engineering, the purchase or acquirement of right-of-way, and all other expenses, and the share or portion thereof which such county shall bear. Whenever the board of county commissioners aforesaid shall elect to proceed with such improvement, the said board shall adopt a resolution signifying such election and in such resolution shall set aside out of such funds as are or may become available the amount necessary to pay the county's share of the cost of such improvement. Upon written demand of the commissioner, the board of county commissioners shall instruct and direct the county auditor by resolution to draw a warrant or warrants on the county treasurer in favor of the contractor, or of the department, for the county's share of such amount or amounts as may become due during the progress of such improvement. The county shall also draw additional warrants in favor of the department as may be necessary to reimburse it for the county's share of the cost of engineering and the acquisition of right-of-way. Such warrants shall be drawn by the county treasurer upon the certificate of the commissioner.

§ 45. COUNTY BOUND TO PROVIDE ITS SHARE OF COST.) The election to proceed with an improvement as provided in section 44 of this Act by the board of county commissioners shall constitute an agreement and contract with the commissioner, and the board of county commissioners must provide sufficient funds in accordance with law to defray its share of the cost of such improvement, or must levy sufficient taxes therefor. Construction on such improvement shall be commenced within one year.

§ 46. PREPARATION AND ADOPTION OF STANDARD PLANS AND SPECIFICATIONS.) The commissioner shall prepare and adopt uniform standard plans and specifications for the establishment, construction and maintenance of the state highways and bridges within this state. Such plans and specifications may be amended, from time to time, as the commissioner deems advisable.

§ 47. MUNICIPALITIES TO DEVELOP MASTER STREET PLAN.) Each municipality of over five thousand population in this state, according to the latest available census, shall develop and adopt a master street plan cooperatively between the commissioner and the municipal officials, which shall insure the proper location and integration of the state highway connections in the total city street plan. In selecting and designating the master street plan, the cooperating officials shall take

into account the more important principal streets that connect the residential areas with the business areas, and the streets that carry the important rural traffic into and across the city, to insure a system of streets upon which traffic can be controlled and protected, in such a manner as to provide safe and efficient movement of traffic within a municipality.

§ 48. INSPECTION AND TESTING OF MATERIALS.) The commissioner shall have the authority to inspect and test all materials, supplies, equipment and machinery used by the department and to develop methods and procedures for this purpose.

§ 49. TESTING LABORATORY.) The commissioner shall have the authority to maintain and develop a testing laboratory to carry out the requirements of section 48 of this Act. The department may, upon request of any division or agency of government, make available the services and facilities of said testing laboratory, and make a reasonable charge therefor.

§ 50. PREPARATION OF MANUALS OF METHODS AND PROCEDURES.) The commissioner shall, to the extent practicable, prepare, print, and distribute manuals of standard and uniform methods for any of the activities, divisions, or work of the department, or for general road and bridge construction, design, land acquisition, traffic control, maintenance, marking, and kindred purposes in this state.

§ 51. RESEARCH ON HIGHWAY DEVELOPMENT.) The commissioner shall have the authority to gather, investigate and compile information concerning the use, construction and maintenance of highways, the practices and methods of efficient highway organization, financing, and such other information, data and statistics of this state or other states as deemed advisable, and the extent of the natural resources of roadbuilding materials within this state. The commissioner shall have the further authority to enter into agreements with other states or research organizations to carry on research and test projects involving highway development and to expend highway funds for this purpose. He shall disseminate all such information, together with any recommendations he deems advisable.

§ 52. TRAFFIC SURVEYS.) The commissioner shall have the authority to collect, analyze and interpret all physical and economic data needed to measure existing and estimated future street and highway traffic characteristics, such as, origin and destination, volumes, speeds, accidents, congestion, parking, pedestrian use of streets and the economic loss caused by inferior traffic facilities, including the preparation of traffic plans and recommendations.

§ 53. PREPARATION OF ROAD MAPS.) The commissioner shall prepare for general distribution, road maps of the state highway system and such other roads and information as he shall deem necessary.

§ 54. AUTHORITY TO CONSTRUCT AND MAINTAIN STATE HIGHWAY SYSTEM.) The commissioner shall have the authority, and shall be responsible for the construction, maintenance, protection and control of the highways which shall comprise the state highway system. The commissioner shall patrol and keep said system in good and safe condition for general public use.

§ 55. CONSTRUCTION PROGRAM.) Not later than the fifteenth day of January of each year there shall be submitted to the commissioner by the chief engineer a statement showing what improvements, structures and construction work have been requested and proposed, and may be undertaken, by the department. Such statement shall set forth the estimated quantities and the estimated unit cost of each class, type, and nature, together with the totals thereof for each and every project or improvement which may be made, and the totals of all such projects or improvements, and the average quantities and unit costs for all such projects or improvements. The commissioner shall examine the same and shall proceed to adopt a construction program, wherein shall be determined what projects and improvements shall be undertaken by the said department during the ensuing construction season, and the order of priority thereof. Insofar as practicable, priority shall be given first to the improvement of the so-called primary system of the state highway system, and the total estimated cost of such construction program shall not exceed the total estimated income or allowance granted or set aside for construction purposes in the departmental budget. Nothing herein, however, shall prevent the commissioner from adding to, amending, revising, or reducing from time to time and as circumstances may warrant, such construction program. The commissioner shall proceed to advertise for bids for contracts at such time as he may elect, and in the manner and for the purposes in this chapter provided.

§ 56. FORCE ACCOUNTS IN EMERGENCIES.) In case of great emergency requiring immediate action, and, where delay would cause a public injury, the work may be done by the department by force account.

§ 57. CLOSING OF ROADS; PENALTY FOR PASSING OVER ROAD OR REMOVING BARRICADE.) Whenever, during the construction work on any state highway or at any other time, it may be necessary to prevent traffic from passing over any portion of such highway, the department may close such portion of the

highway to all traffic by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades, fences, or other obstructions. The driver or owner, or both, of any vehicle, self-propelling or otherwise, passing through, over, or around any such barricade, fence, or other obstruction so placed, or any person or persons opening, removing, or defacing any such barricade, fence, or other obstruction, or any such warning sign, without written permission from the engineer in charge of the work, or in charge of such highway, or any person or persons willfully, knowingly, or maliciously causing any damage to the work under construction, is guilty of a misdemeanor.

§ 58. METHOD OF CONSTRUCTION OF HIGHWAY DITCHES.) Any and all highways of any kind hereafter constructed or reconstructed by the department, any board of county commissioners, any board of township supervisors, their contractors, subcontractors or agents, or by any individual firm or corporation, shall be so designed as to permit the waters running into such ditches to drain into coulees, rivers and lakes according to the surface and terrain where such highway or highways are constructed in accordance with scientific highway construction and engineering so as to avoid the waters flowing into and accumulating in the ditches to overflow adjacent and adjoining lands. It is the intention of this Act that in the construction of highways, as herein provided, the natural flow and drainage of surface waters shall not be obstructed, but that such water shall be permitted to follow the natural course according to the surface and terrain of the particular terrain.

§ 59. DRAINS ACROSS STATE HIGHWAYS.) The commissioner, when notified by the board of drain commissioners of any drainage district that it is necessary to run a drain across any state or federal aid highway, shall make the necessary opening through such highway and shall build and keep in repair suitable culverts or bridges, as provided for under section 61-2135.

§ 60. DETERMINATIONS OF SURFACE WATER FLOW AND APPROPRIATE HIGHWAY CONSTRUCTION.) Whenever and wherever a highway under the supervision, control, and jurisdiction of the department or under the supervision, control, and jurisdiction of the board of county commissioners of any county has been or will be constructed over a water course or draw into which flow surface waters from farm lands, the state water conservation commission, upon petition of the majority of landowners of the area affected, shall determine as nearly as practicable the maximum quantity of water, in terms of second feet, which

such water course or draw may be required to carry. When such determination has been made by the state water conservation commission, it shall be the duty of the department or the board of county commissioners, as the case may be, upon notification of such determination, to install a culvert or bridge of sufficient capacity to permit such maximum quantity of water to flow freely and unimpeded through such culvert or under such bridge.

§ 61. WARNING SIGNS OF ROAD CONSTRUCTION.) Whenever the department or any county or township shall enter into a contract for the construction and improvement of any road or culvert, or bridge thereon, it, as a condition of such contract, shall provide therein that the contractor shall place suitable warning signs which can be read for a distance of one hundred feet in daytime, and also shall erect and place at night a red or white lantern or a torch or other effective device, of a type approved by the department, at both ends of such construction work, no less than three hundred feet therefrom, warning the public that such road is under construction or improvement and either is closed, or impassable, or dangerous for travel thereon, but nothing contained in this section shall make any township, county or the state liable for the failure of any contractor to erect such warning signs.

§ 62. PUBLIC OFFICERS.) Whenever a township, county, or the department shall construct, improve, or repair any road, culvert, or bridge, or shall gravel any road, and such work shall render travel on such road, culvert, or bridge unsafe or dangerous, the board of supervisors of any such township, the board of county commissioners of any such county, or the commissioner or any foreman or other person in charge of such work, shall place warning signs as provided in section 62 of this Act.

§ 63. PENALTY FOR FAILURE TO ERECT WARNING SIGNS.) Any contractor, foreman, or other person in charge of any work or repairs on any public road, culvert, or bridge who shall fail or neglect to erect and maintain suitable warning signs as provided in sections 61 and 62 of this Act 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 more than sixty days, or by both such fine and imprisonment.

§ 64. AUTHORITY TO ACQUIRE EQUIPMENT.) The commissioner shall have the authority to purchase, lease or acquire, as he deems necessary, all road material, road machinery, tools, equipment and supplies necessary for the construction, maintenance and control of the state highway system.

§ 65. EQUIPMENT AND MATERIALS MAY BE PURCHASED WITHOUT ADVERTISING FOR BIDS.) The commissioner may, in his discretion, purchase equipment, materials, supplies or other personal property useful to the department, from the United States government, or any of its officers, agents, agencies, or corporations, without compliance with the provisions of section 69 of this Act.

§ 66. AUTHORITY TO ACQUIRE BUILDINGS FOR EQUIPMENT.) The commissioner shall have authority to construct, rent, or purchase for the state the necessary land and buildings for the storage and housing of road materials, road machinery, equipment and tools.

§ 67. SALE OF OBSOLESCENT HIGHWAY EQUIPMENT.) The commissioner shall be authorized to sell, exchange or otherwise dispose of all obsolescent road machinery, equipment, and material no longer needed, required or useful for highway purposes. Any funds or money derived from the sale of such property shall be credited to the funds from which such purchase was made originally.

§ 68. BASIS OF CONTRACTS FOR CONSTRUCTION WORK.) The commissioner may request bids and award contracts for construction work requiring the contractor to furnish all equipment, labor, materials, and supplies for each particular contract or project, or requiring the commissioner to furnish and provide the said contractor with such materials and supplies as he may elect. In the event that the commissioner shall elect to provide materials and supplies for any project or construction work, such election shall be made at the time of the adoption of the construction program. The commissioner shall request proposals or bids for the total and aggregate of such materials and supplies for any and all such projects or construction work according to the class, type, and nature of such materials and supplies, and may proceed to award a contract or contracts therefor upon such basis as he shall deem efficient and economical, whether upon the basis of delivery to the construction project directly or to a central storehouse or storehouses maintained by the department. Such materials and supplies so purchased by the department may be delivered to the project or construction work without expense to the contractor doing such construction work, or may be sold to him at cost and made to constitute a part of such construction cost, as the commissioner may elect.

§ 69. CONTRACTS; BIDS.) Whenever the cost of any improvement or the purchase price of equipment or materials and supplies, exclusive of repairs to equipment, shall exceed the sum of one thousand dollars, the department shall proceed to adver-

tise the same, request bids, and award such contracts in the manner provided in this chapter. Whenever any proposed contract, purchase, or work of the department shall be for a sum less than one thousand dollars, it shall be discretionary with the department whether the same shall be awarded after advertising for bids. The department shall award such contracts in the manner provided in this chapter, but where contracts are in excess of one thousand dollars, the department shall request bids from as many contractors, manufacturers, and dealers as can be requested conveniently.

§ 70. RECONSTRUCTION WORK WITHOUT LETTING CONTRACT.) The department may, in any case where, in the opinion of the commissioner, the public interest and the preservation of the state highways from deterioration requires it, do the work necessary for minor grading reconstruction or 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. Any funds available for highway reconstruction purposes may be expended in carrying out the provisions of this section.

§ 71. REQUESTS FOR BIDS; HOW ADVERTISED.) Any request for bids for construction work or the improvement of any state highway, or any structure in excess of one thousand dollars, shall be advertised by publication once a week for a period of two successive weeks, prior to the opening of such bids, in the official newspaper of the county in which the project is located. Such advertisement shall state where the bidder may inspect the plans and specifications, with whom bids shall be filed, and the time and place where bids shall be opened. Such place shall be the office of the department. All requests for bids for the purchase of equipment, materials, and supplies, exclusive of repairs to equipment in excess of the sum of one thousand dollars shall be advertised in the official newspaper of Burleigh county once a week for a period of two successive weeks prior to the opening of such bids.

§ 72. BIDS, WHERE OPENED; REQUIREMENTS.) All bids shall be opened at the time and place specified in the advertised request for bids. Each bid shall be accompanied by a certified check of the bidder on a solvent North Dakota bank, in an amount equal to five per cent of his bid. Such check shall be forfeited to the state highway fund should the bidder fail to effect a contract within ten days after a notice of an award.

§ 73. CHECKS OF THREE LOWEST BIDDERS RETAINED.) All certified bidders' checks, except those of the responsible bidders

submitting the three lowest and best bids, shall be returned to the bidders promptly upon opening such bids. The check of the responsible bidder submitting the lowest and best bid may be cashed and the money retained until the contract has been awarded and executed properly. The checks of the responsible bidders submitting the second and third lowest and best bids may be returned to the bidders when the department has determined to whom the contract is to be awarded.

§ 74. **CONTRACTS ON INFORMAL BIDS; HOW LET.**) Informal bids shall be requested and the contract therefor may be awarded upon such basis and procedure as the commissioner shall direct.

§ 75. **SEPARATE PROPOSALS ON EACH TYPE OF WORK.**) Whenever any highway improvement involves structural work, dirt grading and traffic service gravel, graveling, stabilizing and oiling, or concrete surfacing, or any two or more of them, then wherever practicable and not contrary to any federal law or regulations, separate proposals and bids shall be received on each separate type of work.

§ 76. **AWARD OF CONTRACTS; BOND.**) Each and every contract in excess of the sum of three thousand dollars shall be awarded by the department to the responsible bidder submitting the lowest and best bid, but said department may reject all bids. If no satisfactory bid or bids shall be received, new bids may be called for. The successful bidder shall be required to furnish a suitable bond in at least the amount of the contract and with such sureties as may be determined by the department and as shall be approved by it.

§ 77. **PARTICIPATING COUNTY OR MUNICIPALITY TO BE NOTIFIED OF OPENING OF BIDS.**) In the event that any county or municipality shall participate in and defray the cost, or part of the cost, of any improvement to be made by the department, the commissioner shall notify the board of county commissioners of the county so interested, or the proper city officials of any municipality, of the time set for opening bids.

§ 78. **PAYMENTS MADE MONTHLY TO CONTRACTORS.**) Payment shall be made monthly to the contractor for all work done or material furnished, in the amount of ninety percent thereof, and payment shall be made in full upon the completion of the contract and acceptance of the work.

§ 79. **CONTROVERSIES TO BE ARBITRATED; ARBITRATORS; HOW NAMED.**) All controversies arising out of any contract for the construction or repair of highways entered into by the commissioner shall be submitted to arbitration as provided in this chapter, if the parties cannot agree. Any person who volun-

tarily enters into a contract for the construction or repair of highways shall be considered as having agreed to arbitration of all controversies arising out of such contract. Three persons shall compose the arbitration board, one of whom shall be appointed by each of the parties and the two thus appointed shall name a third.

§ 80. ARBITRATION; DEMAND FOR; DISTRICT COURT MAY APPOINT ARBITRATORS IF PARTIES FAIL.) The party desiring arbitration shall make a written demand therefor and in such demand shall name the arbitrator by him selected. He also in such demand shall set forth all the controversies and claims which he desires to submit to arbitration and a concise statement of his claims with reference to each controversy. Such demand shall be served upon the opposite party, who, within ten days, shall name in writing the arbitrator on his part, and in connection therewith shall set forth in writing his contentions with reference to the claims set forth in the demand served upon him and any additional claims or controversies which he desires to submit to arbitration on his part, with a concise statement of his claims in connection therewith. If the party proceeded against shall fail or refuse to name an arbitrator, the moving party may apply *ex parte* to the judge of the district court of the county in which the improvement in the contract in question, or any part thereof, may be located, for the appointment of the two additional arbitrators, and if upon the appointment of an arbitrator by each of the parties, the two so appointed have been unable to agree upon a third arbitrator within five days, then either party to the controversy, upon five days' notice, may apply to such district court for the appointment of such third arbitrator.

§ 81. PROCEDURE FOR ARBITRATION.) When a board of arbitration shall have been appointed, a submission in writing shall be executed as provided in section 32-2902, except that such submission must provide for the entry of judgment upon the award by the district court of the county within which the improvement, or some part thereof, involved in the contract is located. Such county must be specified in such submission. The submission must be executed by the commissioner. Thereupon the arbitration shall proceed in accordance with the provisions of chapter 29 of the title judicial remedies.

§ 82. ARBITRATION MAY PROCEED ALTHOUGH ONE PARTY FAILS TO AGREE.) If either party refuses to submit to arbitration as provided in this chapter, he shall be deemed to have waived all claims and demands, and the arbitrators shall proceed to determine the controversies set forth by the moving party according to the justice of the case. Judgment shall be entered

upon the award of such arbitrators in all things the same as though the submission to arbitration has been signed by both parties.

§ 83. CONDITIONS PRECEDENT TO DEMAND FOR ARBITRATION AGAINST COMMISSIONER.) No right shall exist to demand arbitration against the commissioner until the conditions specified in this action shall have been complied with. The contractor must give the commissioner notice in writing that he claims the contract has been or will be performed fully on a day stated, which shall not be less than ten days after the giving of such notice. At the time stated in the notice the commissioner shall cause the work to be inspected, and if he claims the work has not been completed, he, with all reasonable dispatch, having regard to the early completion of the work, shall specify the particulars in which it is incomplete and shall direct that it be completed accordingly, or if he considers further work necessary to bring the project up to the desired standard for acceptance either by him or the United States public roads administration, even though he considers such contract complete, he likewise may specify any such additional work. The contractor must proceed with all reasonable dispatch, having due regard to weather conditions, with the performance of all such additional work with a view to a speedy completion of the project. When the contractor claims in good faith, supported by affidavit furnished to the commissioner, that he has completed such additional work according to the specifications furnished to him, and the commissioner fails for ten days to accept such work as completed, he shall have the right to institute proceedings under this chapter.

§ 84. ARBITRATORS SHALL DETERMINE ALL CONTROVERSIES; MAY GIVE DIRECTIONS.) The arbitrators shall determine all controversies between the parties growing out of the contract, including the question whether it had been performed at the time claimed by the contractor and whether the additional work required by the commissioner as specified has been done, and if not done they shall specify the particulars in which it has not been done, give appropriate directions with reference thereto, and shall make a proper award for any extra work they find the contractor entitled to, making such award so far as it is practicable upon the basis of the contract price, having due regard to what is just and equitable between the parties under the facts and circumstances of the case.

§ 85. FURTHER ARBITRATION PERMITTED.) If after the making of an award which requires the contractor to do further work, any controversies arise between the parties as to the doing of such work, such controversies may be submitted to the same arbitrators on five days' notice for further determination.

§ 86. ARBITRATION MUST BE COMMENCED WITHIN SIX MONTHS.) No arbitration shall be had under this chapter unless commenced within six months after the right thereto has arisen.

§ 87. JUDGMENT AGAINST COMMISSIONER; HOW COLLECTED.) When judgment shall have been entered against the commissioner, the same shall not be collectible or enforceable by execution, but if the same provides for the payment of money by the commissioner, it shall be paid in the same manner, to the same extent, and out of the same funds as though the claims thus established had been recognized and allowed without arbitration. The performance of the duty of the commissioner with reference to payment or other compliance with such judgment may be enforced by mandamus proceedings in the district courts of the state.

§ 88. PREPARATION OF STANDARD CONTRACT FORMS.) The commissioner may prepare, adopt or amend uniform standard forms of contracts, bonds, estimates and other forms and documents deemed essential for the efficient administration of highway matters within the department.

§ 89. CONTRACTS; FOR ROAD AND BRIDGE WORK AND MATERIALS; AWARDING TO RESIDENTS OF NORTH DAKOTA AND GIVING PREFERENCE TO RESIDENTS OF NORTH DAKOTA.) In letting of any contract for the construction of any road or bridge, road work, or for road material or culvert, by the department or by any political subdivision of the state, preference shall be given to all bona fide contractors who have been continually in business and have resided in the state of North Dakota for a period of at least one year prior to filing his bid, if at least ninety per cent of the employees of such contractor engaged in highway construction and maintenance shall have been residents of the state of North Dakota for at least one year, and shall be citizens of the United States or shall have declared their intention to become such. Such preferences shall be to the extent of five per cent on contracts not exceeding ten thousand dollars, three per cent on contracts exceeding ten thousand dollars and not exceeding fifty thousand dollars, and two per cent on contracts exceeding fifty thousand dollars. Such preference shall not apply to federal aid projects.

§ 90. RIGHT-OF-WAY AND MATERIALS MAY BE ACQUIRED BY PURCHASE OR EMINENT DOMAIN.) The commissioner, by order, on behalf of the state, and as part of the cost of constructing, reconstructing, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining a state highway, or of providing a temporary road for public use, may purchase, acquire, take over, or condemn under the right and power of

eminent domain, for the state, any and all lands in fee simple of such easements thereof which he shall deem necessary for present public use, either temporary or permanent, or which he may deem necessary for reasonable future public use, and to provide adequate drainage in the improvement, construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining of a state highway, provided however, as to any and all lands acquired or taken for highway, road or street purposes, he shall not obtain any rights or interest in or to the oil, gas or fluid minerals on or underlying said lands. By the same means, he may secure any and all materials, including clay, gravel, sand, or rock, or the lands necessary to secure such material, and the necessary land or easements thereover, to provide ways and access thereto. He may acquire such land or materials notwithstanding that the title thereto may be vested in the state or any division thereof; provided, however, that no interests in gas, oil or fluid minerals shall be acquired by this procedure.

§ 91. BOARD OF COUNTY COMMISSIONERS MAY DETERMINE DAMAGES.) If the commissioner is unable to purchase land or materials with the necessary ways and access thereto, at what he deems a reasonable valuation, then the board of county commissioners of the county wherein such land or materials may be situated, on petition of the commissioner, shall proceed to ascertain and determine the damages and make awards in the manner provided by chapter 7 of this title for lands taken for highway purposes as hereby modified or amended. Within fifteen days after the filing of such petition with the county auditor, the board of county commissioners shall fix a time and place, not later than sixty days from and after the filing of such petition, for a hearing of all persons interested or aggrieved by such taking, and shall cause to be published in the official newspaper of the county, at least once a week, for three successive weeks, prior to such hearing, a notice of such hearing, stating the time and place where the same shall be held, together with a description of the property to be taken. Such published notice shall be in lieu of all other notices, and when so published shall give the said board of county commissioners full and complete jurisdiction to proceed with the determination of awards of damages. A copy of such notice shall be served personally upon all known owners residing or found within the state, and upon the occupant of the land, not less than fifteen days prior to such hearing, in the manner provided for the service of a summons in the district court, and in case of personal service of such notice upon all persons interested in any manner in said real property, as disclosed by the records in the office of the register of deeds of the county wherein said property is located, no publication of such notice shall be made.

§ 92. DAMAGES TO BE PAID INTO COURT.) When the award of damages for the taking of land or materials, or both, shall have been completed by the board of county commissioners, the commissioners shall pay, or cause to be paid from the state highway fund, into court, for the benefit of the owners of land to whom such awards have been made, by depositing with the clerk of court of such county cash in the amount of such award or awards.

§ 93. RECEIPT TO BE SIGNED BY OWNER OR CLERK OF COURT.) Every owner entitled to an award for damages, before the same shall be paid to him by the clerk of court, shall sign and execute a receipt therefor. Such receipt shall contain a description of the premises covered by the award. In case the owner shall fail or refuse to accept such award and execute such receipt therefor, the clerk of court shall execute a receipt, reciting the deposit of such award with him and the description of the premises covered by the award.

§ 94. TITLE VESTS AFTER THIRTY DAYS IF NO APPEAL TAKEN.) At the expiration of thirty days from the award by the board of county commissioners from which no appeal has been taken as provided in section 95 of this Act, whenever such money shall have been deposited in the office of the clerk of court, the receipt of the owners of said property, or of such clerk of court, shall be recorded in the office of the register of deeds of the county in which such real estate is situated, and the title to the land or materials thereupon shall be vested in the state.

§ 95. APPEALS FROM DECISION OF BOARD OF COUNTY COMMISSIONERS; PROCEDURE; SPECIAL TERM OF COURT.) Any party aggrieved by the proceedings of the commissioner in the taking of land or materials, or by the estimate of damages and the award of the board of county commissioners shall have the remedies provided in this title for appeal from any determination of a board of county commissioners in the taking of land for highway purposes. Service of a written or printed notice of such appeal shall be made upon the chairman of the board of county commissioners and the commissioner. An appeal from the award by the board of county commissioners, without filing a cost bond, may be taken by the commissioner, by service of notice of appeal upon the chairman of the board of county commissioners and the owner of the property, in the manner provided by law for the service of a summons in a civil action. Upon any appeal, the commissioner, on application to the judge of the district court, shall be granted a special term of court, in the manner provided in cases of eminent domain in the title judicial procedure, civil.

§ 96. APPEAL DOES NOT STAY CONDEMNATION PROCEEDINGS.) Notwithstanding the taking of an appeal as provided in section 95 of this Act in proceedings of the commissioner in the taking of land or materials by condemnation, or from the award made by the board of county commissioners in such proceedings, the commissioner may proceed with the use of the property so condemned and shall be liable for any additional amount awarded to the appellant upon such appeal.

§ 97. FEES NOT CHARGED FOR RECORDING INSTRUMENTS.) No fees shall be charged or collected by the county auditor, the register of deeds, or the clerk of court, for any services rendered for the recording or filing of any document required under the provisions of this Act.

§ 98. GRANTS OF RIGHTS-OF-WAY CONFIRMED.) The grants of rights-of-way heretofore made by the legislative assembly, viz:

1. For a highway across the military encampment grounds at Rock Island in Ramsey County as set forth in chapter 134 of the session laws of 1901;
2. For a highway across Devils Lake as set forth in chapter 141 of the session laws of 1903; and
3. For a highway across Des Lacs Lake as set forth in chapter 57 of the session laws of 1905, are hereby confirmed.

§ 99. SURVEY; PLAT; DAMAGES FROM SURVEY.) Whenever the commissioner shall determine by order that public exigency requires the taking of land or materials as provided in section 90 of this Act, he shall cause the same to be surveyed and described, and a plat thereof and the said description shall be recorded in the office of the register of deeds of the county wherein the same is located. The commissioner, or his duly authorized agents, may enter upon any land for the purpose of making surveys, examinations, or tests. In case of any damages to said premises the commissioner forthwith shall pay to the owner of said premises the amount of such damages.

§ 100. VACATING HIGHWAYS BY COMMISSIONER; SALE OF PROPERTY.) The commissioner may vacate any land or part thereof, of rights in land taken or acquired for highway purposes under the provisions of this title, by executing and recording a deed thereof, and said vacation shall revert the title to the land or rights in the persons, their heirs, successors, or assigns, in whom it was vested at the time of the taking. As oil, gas and fluid minerals are not a part of and essential for highway purposes, all such rights heretofore taken, if any, are hereby vacated and returned to the person or persons in

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

§ 101. TEMPORARY ACQUISITION OF RIGHTS-OF-WAY OR EASEMENTS FOR DETOURS.) The commissioner, by order, and as part of the cost of constructing, reconstructing or repairing a state highway or any part thereof, may acquire by gift, permission, purchase, lease, or condemnation, temporary easements or rights-of-way for the purpose of providing a temporary detour at such location as he shall designate.

§ 102. AUTHORITY TO ESTABLISH CONTROLLED-ACCESS FACILITIES.) The highway authorities of the state, counties, and municipalities of North Dakota, acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled-access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities. Provided that within municipalities such authority shall be subject to such municipal consent as may be provided by law. Said highway authorities of the state, counties, and municipalities, in addition to the specific powers granted in this Act, shall also have and may exercise, relative to controlled-access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit use of such controlled-access facilities by the various classes of vehicles or traffic in a manner consistent with the definition of a controlled-access facility.

§ 103. DESIGN OF CONTROLLED-ACCESS FACILITY.) The highway authorities of the state, or any county, or municipality are authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection such highway authorities are authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbing, central dividing sections, or other

physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

§ 104. ACQUISITION OF PROPERTY AND PROPERTY RIGHTS.) For the purposes of this Act the highway authorities of the state, or any county, or municipality may acquire private or public property and property rights for controlled-access facilities and service roads, including rights of access, air, view, and lights, by gift, devise, purchase, or condemnation in the same manner as such units are now or hereafter may be authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under the provisions of this Act shall be in fee simple, provided however, as to any and all lands acquired or taken for highway, road or street purposes, they shall not obtain any rights or interest in or to the oil, gas or fluid minerals underlying said lands. In connection with the acquisition of property or property rights for any controlled-access facility or portion thereof, or service road in connection therewith, the state, county, or municipal highway authority may, in its discretion, acquire an entire lot, block, or tract of land, if, by so doing, the interests of the public will be best served, even though said entire lot, block, or tract is not immediately needed for the right-of-way proper.

§ 105. NEW AND EXISTING FACILITIES; GRADE-CROSSING ELIMINATION.) The highway authority of the state or any county, or municipality may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a controlled-access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state and county roads, and municipal streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary lines of such controlled-access facility; and after the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. No municipal county or state highway, or other public way shall be opened into or connected with any such controlled-access facility without the consent and previous approval of the highway authority in the state, county, or municipality having jurisdiction over such control-

led-access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

§ 106. **AUTHORITY OF LOCAL UNITS TO CONSENT.**) The highway authorities of the state, or any county, or municipality are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of controlled-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this Act.

§ 107. **LOCAL SERVICE ROADS.**) In connection with the development of any controlled-access facility the state, county, or municipal highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over controlled-access facilities under the terms of this Act, if, in their opinion, such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the proper authority.

§ 108. **BRIDGES MAY BE BUILT SEPARATELY.**) While the necessary bridges on any state highway shall be construed and considered a part of such highway, nevertheless, such bridges may be designed, erected, and contracts awarded separately therefor, and such bridges may be designed, erected and contracted irrespective of the time when the highway contiguous thereto shall have been or may have been improved. All necessary fills and approaches to any bridge shall be construed and considered as part of such bridge.

§ 109. **INSPECTION OF BRIDGES.**) The department, at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the state highway system in the state. In case any bridge on the state highway system shall be deemed unsafe for public use by the said department, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the state highway system shall be deemed unsafe for loads in excess of a certain weight, the department forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight.

§ 110. **BRIDGE ACROSS YELLOWSTONE RIVER IN MCKENZIE COUNTY.**) The department is hereby authorized to maintain,

repair, operate and pay rental for the use of the bridge belonging to the Great Northern Railway Company across the Yellowstone River in McKenzie County, North Dakota, and may charge the expenses for such maintenance, repair, operation and rental to the state highway maintenance fund.

§ 111. USE OF RIGHT-OF-WAY FOR UTILITIES SUBJECT TO REGULATIONS BY DEPARTMENT.) Electric transmission, telephone or telegraph lines, pole lines, railways, ditches, sewers, water, heat, or pipe lines, gas mains, flumes, or other structures outside of the limits of any municipality which under the laws of this state, may be constructed, placed, or maintained across or along any highway which is a part of the state highway system, by any person, persons, corporation, or subdivision of the state, may be so maintained or constructed only in accordance with such regulations as may be prescribed by the department, which shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across, or on any such state highway any of the utilities hereinbefore set forth. Nothing herein shall restrict the action of public authorities in extraordinary emergencies. And nothing in this chapter contained shall be construed as modifying or abridging the powers conferred upon the public service commission in the title Public Utilities, the intent of this section being that the powers hereby granted to the department shall be exercised only in such manner as not to conflict with valid exercise by the public service commission of the powers granted to it.

§ 112. RIGHT-OF-WAY FOR UTILITIES; GRANTED BY COMMISSIONER.) The commissioner may grant to any person, who is a resident of this state, or to any corporation organized under the law of this state, or licensed to do business within this state, the right-of-way for the erection of a telephone line or electric line over or upon any state highway or structure constituting part of such highway or to lay pipes, conduits, or tunnels in, through, or over any such state highway or structure, or to erect, construct, and maintain any bridge, conduit, or other crossing in, under, or over such state highway or structure and in accordance with the rules and regulations therefor.

§ 113. STATE FUNDS NOT USED ON FEEDER ROADS.) No state funds shall be expended for feeder roads or other roads not on the state highway system except for the necessary administrative costs and for such work as is reimbursable from federal or county funds or from funds of other organizations or governmental departments for which reimbursement arrangements have been made. After completion of any such cooperative construction, all authority and control over roads off the

state highway system shall be returned to the local authorities under whom control was vested previously.

§ 114. STATE HIGHWAY FUND; HOW EXPENDED.) The state highway fund, created by law and not otherwise appropriated and allocated, shall be applied and used for the purposes herein named and in the following order of priority:

1. The estimated annual cost of maintaining and keeping in repair all improved parts of the state highway system, constructed and improved in part with federal aid, and to be maintained in accordance with the requirements upon which federal aid was granted;
2. The cost of construction and reconstruction of highways in an amount equal to the state's share of the amount necessary to equal the sum of federal aid granted to this state annually by the United States government for road purposes in North Dakota; and
3. Any portion of the highway fund not allocated as provided in subsections 1 and 2 may be expended for the construction of state highways without federal aid but with county aid to the extent of not less than twenty-five percent of the cost of the project, or may be expended in the purchase of machinery, tools, supplies, materials, the hire of teams or labor, or the rental of machinery, in the construction, improvement, or maintenance of such state highways.

Any claims for moneys expended by the department upon warrants issued by the state auditor under the provisions of this title shall be paid out of the state highway fund by the state treasurer.

§ 115. INJURIES TO HIGHWAYS.) No person shall willfully dig up, remove, displace, break, or otherwise injure or destroy any public highway, right-of-way, or bridge, or any private way laid out by authority of law, or any bridge upon such way without first securing permission from the person or governing body having jurisdiction and control thereof.

§ 116. OBSTRUCTING HIGHWAYS.) No person shall:

1. Obstruct any public highway in any manner with intent to prevent the free use thereof by the public;
2. Willfully and knowingly obstruct or plow up, or cause to be obstructed or plowed up, any public highway or right-of-way, except by order of the overseer of highways for the purpose of working or improving the same; or

3. Build or place a barbed wire fence across any well-traveled trail which has been the usual and common route of travel for not less than one year without placing on the outside of the top tier of barbed wire on said fence a board, pole or other suitable protection, to be at least sixteen feet in length.

§ 117. GARBAGE DEPOSITED ON HIGHWAYS.) No person, firm or corporation shall 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.

§ 118. INJURY TO MILEBOARDS, GUIDEPOSTS, TRAFFIC CONTROL SIGNALS, SIGNS OR MARKINGS.) No person shall remove, injure, or destroy any mileboard, milestone, or guidepost, traffic control signals, signs or markings, or any inscription thereon, erected or placed upon any highway.

§ 119. PENALTIES.) Any person who violates any provision of this title is guilty of a misdemeanor and if convicted shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

§ 120. REPEAL.) Chapter 24-01, except section 24-0101, chapter 24-02, except section 24-0238, chapter 24-03, chapter 24-04, section 24-0811 and 24-0901, and chapter 24-12, except section 24-1210, of the North Dakota Revised Code of 1943 are hereby repealed; sections 24-01231, 24-0206, 24-0207, 24-0214, 24-02191, 24-0633, 24-0812, 24-1202, 24-1213, 39-07031 and 39-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed; and chapter 176, chapter 179, chapter 181, section 1 of chapter 236, and chapter 316 of the North Dakota session laws of 1951 are hereby repealed.

Approved March 20, 1953.

CHAPTER 178

S. B. No. 218

(Nordhougen, Luick, Streibel and Sayer)

BIDS FOR HIGHWAY CONTRACTS; ADVERTISING

AN ACT

To amend and reenact sections 24-0219 and 24-0220 of the North Revised Code of 1943, relating to highway contracts, bids, and advertising for bids.

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

§ 1. AMENDMENT.) Section 24-0219 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0219. CONTRACTS; BIDS.) Whenever the cost of any improvement or the purchase price of equipment or materials and supplies, exclusive of repairs to equipment, shall exceed the sum of one thousand dollars, the state highway department shall proceed to advertise the same, request bids, and award such contracts in the manner provided in this chapter. Whenever any proposed contract, purchase, or work of the state highway department shall be for a sum less than one thousand dollars, it shall be discretionary with the state highway department whether the same shall be awarded after advertising for bids. The department shall award such contracts in the manner provided in this chapter, but where contracts are in excess of one thousand dollars, the state highway department shall request bids from as many contractors, manufacturers, and dealers as can be requested conveniently.

§ 2. AMENDMENT.) Section 24-0220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0220. REQUEST FOR BIDS; HOW ADVERTISED.) Any request for bids for construction work or the improvement of any state highway, or any structure in excess of one thousand dollars, shall be advertised by publication once a week for a period of two successive weeks, prior to the opening of such bids, in the official newspaper of the county in which the project is located. Such advertisement shall state where the bidder may inspect the plans and specifications, with whom bids shall be filed, and the time and place where bids shall be opened. Such place shall be the office of the state highway department. All

requests for bids for the purchase of equipment, materials, and supplies in excess of the sum of one thousand dollars shall be advertised in the official newspaper of Burleigh county once a week for a period of two successive weeks prior to the opening of such bids.

Approved March 10, 1953.

CHAPTER 179

S. B. No. 98
(Schrock)

ALLOCATION AND USE OF COUNTY ROAD TAX FUNDS

AN ACT

To amend and reenact section 24-0501 and to repeal section 24-0618 of the North Dakota Revised Code of 1943, relating to property taxes for streets, highways, roads, and bridges.

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

§ 1. AMENDMENT.) Section 24-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0501. COUNTY ROAD TAX: ALLOCATION AND USE OF FUNDS.) In each county of this state having a population of two thousand or more according to the latest United States or state census, there shall be levied and collected a property tax of not less than one-fourth of one mill, nor more than the maximum rate permitted by law, on each dollar of the assessed valuation of all taxable property in the county for the improvement of highways. Of the proceeds of such tax collected on account of real or personal property situated within any city or village, by the county treasurer of the county in which such city or village is located, twenty per cent shall be turned over by such treasurer to the treasurer of such city or village, in the manner provided in section 11-1306 to be expended under the direction of the governing body of such subdivision in the improvement of the streets and highways thereof. All other proceeds of such tax shall be kept in a distinct fund to be known as the "county road fund" and shall be expended in the improvement of highways as provided in this chapter under the direction of the board of county commissioners. Such taxes

shall be in addition to all other taxes for highway purposes otherwise provided by law. The provisions of this section in regard to allocation shall apply to the proceeds of any tax originally levied for other purposes if appropriated or transferred to the county road fund or for expenditure for road and bridge purposes.

§ 2. REPEAL.) Section 24-0618 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1953.

CHAPTER 180

H. B. No. 562
(Legislative Research Committee)

COUNTY ROAD SYSTEM; MILEAGE

AN ACT

Fixing the mileage of the county road system and providing for the designation of the county road system, allocation of mileage to the several counties, and extension of mileage limits.

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

§ 1. COUNTY ROAD SYSTEM.) The county road system shall not exceed eighteen thousand five hundred miles. This system shall remain substantially unchanged until such system has been improved.

§ 2. DESIGNATION OF COUNTY ROAD SYSTEM.) The county road system shall be the roads designated and selected by the boards of county commissioners, with the approval of the state highway commissioner. Any changes of the original designation which can be justified and based on new developments shall be initiated by the board of county commissioners and shall require the approval of the state highway commissioner. In designating and selecting roads on the county road system, the state highway commissioner and the boards of county commissioners of the several counties shall take into account such factors as the actual or potential traffic volumes, the conservation and development of the county's natural resources, the general economy of the communities, and the desirability of integrating such county roads into the general scheme of state-wide net work of county roads.

The original designation and selection of eighteen thousand five hundred miles of the county road system as hereinabove provided shall be allocated as near as possible to the several counties of the state in the following proportions:

County	Per Cent of Total 18,500
Adams	1.34
Barnes	2.56
Benson	1.97
Billings	0.62
Bottineau	2.55
Bowman	1.42
Burke	1.39
Burleigh	2.98
Cass	3.21
Cavalier	2.12
Dickey	1.96
Divide	1.94
Dunn	1.98
Eddy	1.03
Emmons	2.19
Foster	1.05
Golden Valley	0.80
Grand Forks	2.25
Grant	1.94
Griggs	1.09
Hettinger	1.63
Kidder	2.39
LaMoure	1.77
Logan	1.26
McHenry	2.84
McIntosh	1.65
McKenzie	1.64
McLean	3.22
Mercer	1.74
Morton	2.98
Mountrail	1.95
Nelson	1.37
Oliver	1.31
Pembina	1.46
Pierce	1.58
Ramsey	1.64
Ransom	1.81
Renville	1.37
Richland	2.39
Rolette	1.29
Sargent	1.45
Sheridan	1.71
Sioux	0.74

Slope	1.41
Stark	1.83
Steele	1.30
Stutsman	3.63
Towner	1.70
Traill	1.66
Walsh	2.08
Ward	3.29
Wells	1.93
Williams	3.59
Total	100.00

§ 3.) When, in the opinion of the board of county commissioners and the highway commissioner, the finances of the county permit, the county road system of such county may be extended beyond the limits herein fixed.

Approved March 12, 1953.

CHAPTER 181

S. B. No. 159
(Pyle)

CONTRACTS FOR TOWNSHIP ROAD IMPROVEMENTS: REPEAL

AN ACT

To repeal section 24-0608 of the North Dakota Revised Code of 1943 as amended by chapter 178 of the 1951 Session Laws relating to contracts for township road improvements.

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

§ 1.) Section 24-0608 of the North Dakota Revised Code of 1943 as amended by chapter 178 of the session laws of 1951 is hereby repealed.

Approved March 12, 1953.

CHAPTER 182

H. B. No. 823
(Schmalenberger, Gress, Langseth)

PROHIBITING OBSTRUCTION OF SECTION LINES; EXCEPTION

AN ACT

To amend and reenact section 24-0628 of the North Dakota Revised Code of 1943, relating to prohibiting the obstruction of section lines.

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

§ 1. AMENDMENT.) Section 24-0628 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0628. OBSTRUCTION OF SECTION LINES PROHIBITED; EXCEPTION.) No person shall place a fence across any section line or cause to be placed any stones or rubbish within thirty-three feet of any section line, unless he first shall secure permission in writing from the board of county commissioners or the board of township supervisors, as the case may be. Such permission to place a fence across a section line or cause to be placed any stones or rubbish along a section line shall be granted only where the topography of the land along such section line is such that in the opinion of the board of county commissioners or board of township supervisors, as the case may be, the construction of a road on the section line is impracticable. In granting permission to place a fence across a section line the board may require such conditions as shall be reasonable and necessary.

Approved March 5, 1953.

CHAPTER 183

S. B. No. 161
(Pyle)

FURNISHING AND INSTALLING CULVERTS BY COUNTIES
ALONG TOWNSHIP ROADS AT DRAIN INTERSECTIONS

AN ACT

Relating to the furnishing and installing of culverts along township roads at points of intersection with drains, and declaring an emergency.

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

§ 1.) The county shall furnish and install, at county expense, such culverts as are necessary to be used along township roads at points of intersection with established drains, in accordance with sections 24-0801, 24-0802 and section 61-2136.

§ 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, 1953.

CHAPTER 184

H. B. No. 649
(Holand, Nygaard, Siverson and Leet)

HIGHWAY DEPARTMENT, PUBLIC SAFETY DIVISION

AN ACT

Creating a division of public safety for the purpose of reducing highway accidents; for a director thereof and defining his powers and duties; and making an appropriation.

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

§ 1. CREATION OF PUBLIC SAFETY DIVISION.) There is hereby created a division of public safety within the state highway department for the purpose of reducing the danger of travel

on the highways, roads and streets of this state, reducing motor vehicle accidents, saving lives and human injuries and reducing property losses resulting from motor vehicle accidents; to encourage better law enforcement and more equitable penalties; and to encourage safe driving practices and public adherence to traffic safety laws through public education, information and support.

§ 2. DIRECTOR OF PUBLIC SAFETY.) The safety division shall be administered by a director of public safety, who shall be appointed by the governor on the basis of qualifications, experience and training. Such appointment shall be for a term of four years at a salary to be determined by the governor.

§ 3. POWERS AND DUTIES.) It shall be the duty of the director to supervise and carry on a public education and information program and to assist and cooperate with all governmental or private agencies, organizations or groups for the purpose of encouraging better and safer driving practices, better law enforcement and more uniform and equitable penalties for the purpose of reducing motor vehicle accidents. The director of public safety shall coordinate and strengthen the highway and traffic safety activities of the state of North Dakota and its political subdivisions, which shall specifically include the functions of driver licensing and control, driver financial responsibility, traffic law enforcement, and other highway and traffic safety activities of the state highway department, state highway patrol and the motor vehicle department and to generally work and cooperate with the officials in charge of these departments and all public officials in all matters relating to motor vehicle safety. The director shall have authority to employ such other persons in the division of public safety as may be necessary to carry out the purposes of this Act.

§ 4. APPROPRIATION.) There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of forty thousand dollars, or so much thereof as may be necessary to pay the expenses of operation of the public safety division in carrying out the purposes of this Act. This appropriation shall be for the biennium beginning July 1, 1953, and ending June 30, 1955.

Approved March 10, 1953.

INSANE, FEEBLEMINDED, TUBERCULAR, BLIND AND DEAF

CHAPTER 185

S. B. No. 212
(Morgan, Berube, and Meidinger)

QUALIFICATIONS OF SUPERINTENDENT OF THE STATE HOSPITAL

AN ACT

To amend and reenact section 25-0205 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to qualifications of superintendent of the state hospital.

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

§ 1. AMENDMENT.) Section 25-0205 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0205. SUPERINTENDENT TO POSSESS CERTAIN QUALIFICATIONS; SALARIES.) The superintendent of the state hospital must be either:

1. A duly licensed physician with at least five years experience in the field of mental health, or
2. A competent executive with at least five years experience in hospital administration.

In the event a physician shall be appointed superintendent, he shall have power to appoint an assistant superintendent, necessary physicians, and all other employees, and define their qualifications and duties; but he may name a personnel director to employ and discharge all employees except physicians. In the event an executive shall be named, he shall designate a duly licensed physician having at least five years experience in the field of mental health as chief of medical staff and such chief of staff shall have full power to employ additional physicians, nurses and professional assistants and shall have full power to define their qualifications and duties but all other employees shall be appointed and removed by the superintendent or a personnel director to be named by him. The salaries

of all employees shall be fixed by the board, within the limits of the legislative appropriation made for such purpose.

Approved March 2, 1953.

CHAPTER 186

H. B. No. 843
(Delayed Bills Committees)

VOLUNTARY ADMISSION TO STATE HOSPITAL

AN ACT

Relating to the state hospital; providing for the voluntary admission of patients thereto.

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

§ 1. VOLUNTARY ADMISSION TO STATE HOSPITAL.) Any person over 16 years of age desiring to receive treatment at the state hospital may be admitted to such hospital upon his voluntary application, addressed to the superintendent thereof, under such conditions and in such manner as the superintendent may determine. Any person under 16 years of age, if his parent or legal guardian applies in his behalf, may be admitted to such hospital in like manner and upon the same conditions. The superintendent of the state hospital, upon admitting any such person for treatment at the state hospital, shall then detain such person during the time of treatment as though he had been legally committed. If any such person in writing demands his release, the superintendent may detain such person for three days after the date of such demand for release. If the superintendent deems such release not to be for the best interest of such person, his family, or the public, he shall, within said three days, file an application for the legal commitment of such person to the state hospital with the insanity board of the county wherein the state hospital is located. Before admitting any person, as herein provided, the superintendent shall require that such person, his parents or legal guardian agree to pay all such hospital expenses incurred by his treatment and maintenance therein and may require guarantee for such payment.

Approved March 5, 1953.

CHAPTER 187

S. B. No. 219

(Morgan, Berube, and Meidinger)

QUALIFICATIONS OF SUPERINTENDENT OF THE GRAFTON
STATE SCHOOL FOR THE FEEBLE-MINDED

AN ACT

To amend and reenact section 25-0403 of the North Dakota Revised Code of 1943, relating to qualifications of superintendent of the Grafton state school for the feeble-minded.

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

§ 1. AMENDMENT.) Section 25-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0403. QUALIFICATIONS OF SUPERINTENDENT.) The superintendent of the Grafton state school for the feeble-minded must be either:

1. A duly licensed physician with at least five years experience in the field of mental health, or
2. A competent executive with at least five years experience in hospital administration.

In the event a physician shall be appointed superintendent, he shall have power to appoint an assistant superintendent, necessary physicians, and all other employees and define their qualifications and duties; but he may name a personnel director to employ and discharge all employees except physicians. In the event an executive shall be named, he shall designate a duly licensed physician having at least five years experience in the field of mental health as chief of medical staff and such chief of staff shall have full power to employ additional physicians, nurses, and professional assistants and shall have full power to define their qualifications and duties but all other employees shall be appointed and removed by the superintendent or a personnel director to be named by him. The salaries of all employees shall be fixed by the board within the limits of the legislative appropriations made for such purpose.

Approved March 2, 1953.

CHAPTER 188

S. B. No. 220

(Morgan, Berube and Meidinger)

QUALIFICATIONS OF SUPERINTENDENT OF THE
STATE TUBERCULOSIS SANATORIUM

AN ACT

To amend and reenact section 25-0502 of the North Dakota Revised Code of 1943 relating to the qualifications of superintendent of the North Dakota State Tuberculosis Sanatorium.

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

§ 1. AMENDMENT.) Section 25-0502 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0502. QUALIFICATIONS OF SUPERINTENDENT; RECORDS OF PATIENTS; SALARIES.) The superintendent of the North Dakota state tuberculosis sanatorium must be either:

1. A duly licensed physician skilled in caring for and in treating persons who are afflicted with tuberculosis, or
2. A competent executive with at least five years experience in hospital administration.

In the event a physician shall be appointed superintendent, he shall have power to appoint an assistant superintendent, necessary physicians, and all other employees and define their qualifications and duties; but he may name a personnel director to employ and discharge all employees except physicians. In the event an executive shall be named, he shall designate a duly licensed physician having at least five years experience in the care of persons suffering from tuberculosis as chief of medical staff and such chief of staff shall have full power to employ additional physicians, nurses, and professional assistants and shall have full power to define their qualifications and duties, but all other employees shall be appointed and removed by the superintendent or a personnel director to be named by him. He shall cause complete case histories and records to be kept of all persons admitted as patients at the sanatorium, including a record of the period of treatment of each patient. The salaries of all employees shall be fixed by the board within the limits of the legislative appropriations made for such purpose.

Approved March 2, 1953.

INSURANCE

CHAPTER 189

S. B. No. 119
(Klefstad, Baeverstad, Schrock)

UNIFORM ACCIDENT AND SICKNESS INSURANCE POLICY

AN ACT

Relating to insurance and making the law uniform on accident and sickness policy provisions, and repealing sections 26-0338 and 26-0339 of the North Dakota Revised Code of 1943.

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

§ 1. DEFINITION OF ACCIDENT AND SICKNESS INSURANCE POLICY.) The term "policy of accident and sickness insurance" as used herein includes any policy or contract insuring against loss resulting from sickness or from bodily injury, or death by accident or both.

§ 2. FORM OF POLICY.)

1. No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless;
 - a. the entire money and other considerations therefore are expressed therein; and
 - b. the time at which the insurance takes effect and terminates is expressed therein; and
 - c. it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen years and any other person dependent upon the policyholder; and
 - d. the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (The "text" shall

include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions); and

- e. the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 3 of this Act, are printed at the insurer's option, either included with the benefit provisions to which they apply, or under an appropriate caption such as "EXCEPTIONS" or "EXCEPTIONS AND REDUCTIONS," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and
- f. each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and
- g. it contains no provision purporting to make any portion of the charter, rules, constitution, or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short rate table filed with the commissioner.

2. If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection 1 of this section and in section 3.

§ 3. ACCIDENT AND SICKNESS POLICY PROVISIONS.) 1. Required Provisions. Except as provided in subsection 3 of this section, each such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subsection in the words in which the same appear in this section; provided, however, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this section or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

a. A provision as follows:

ENTIRE CONTRACT; CHANGES: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions;

b. A provision as follows:

TIME LIMIT ON CERTAIN DEFENSES: (1) After three years from the date of issue of this policy no misstatements, except fraudulent misstatements made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three year period. (The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three year period, nor to limit the application of subdivisions a, b, c, d, and e of section 3, subsection 2 in the event of misstatement with respect to age or occupation or other insurance.) (A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age 50 or (b) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parenthesis may be omitted at the insurer's option) under the caption "INCONTESTABLE":

After this policy has been in force for a period of three years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.

(2) No claim for loss incurred or disability (as defined in the policy) commencing after three years from the date of issue of this policy shall be reduced or denied on the ground that a disease or a physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

c. A provision as follows:

GRACE PERIOD: A grace period of . . . (insert a number not less than "7" for weekly premium policies, "10" for

monthly premium policies, and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force. (A policy which contains a cancellation provision may add, at the end of the above provision subject to the right of the insurer to cancel in accordance with the cancellation provision hereof.

A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision,

Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted).

d. A provision as follows:

REINSTATEMENT: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy; provided, however, that if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement. (The last sentence of the above provision may be omitted from any policy which the

insured has the right to continue in force subject to its terms by the timely payment of premiums (a) until at least age 50, or, (b) in the case of a policy issued after age 44, for at least five years from its date of issue.)

e. A provision as follows:

NOTICE OF CLAIM: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer. (In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.)

f. A provision as follows:

CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

g. A provision as follows:

PROOFS OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which the policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required.

h. A provision as follows:

TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid . . . (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.

i. A provision as follows:

PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured. (The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer: If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$. . . (insert an amount which shall not exceed one thousand dollars), to any relative

by blood or connection by marriage of the insured or beneficiary who is deemed by the insured to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment.

Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person.)

j. A provision as follows:

PHYSICAL EXAMINATIONS AND AUTOPSY: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

k. A provision as follows:

LEGAL ACTIONS: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

l. A provision as follows:

CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy. (The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.)

2. Other Provisions.

Except as provided in subsection 3 of this section, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth

below unless such provisions are in the words in which the same appear in this section; provided, however, that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

a. A provision as follows:

CHANGE OF OCCUPATION: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro-rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.

b. A provision as follows:

MISSTATEMENT OF AGE: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.

c. A provision as follows:

OTHER INSURANCE IN THIS INSURER: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for . . . (insert type of coverage or coverages) in excess of \$. . . (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate.

Or, in lieu thereof:

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premium paid for all other such policies.

d. A provision as follows:

INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expenses incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro-rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the "like amount" of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage. (If the foregoing policy provision is included in a policy which also contains the next following policy provision there shall be added to the caption of the foregoing provision the phrase "EXPENSE INCURRED BENEFITS." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities

of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage.")

e. A provision as follows:

INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro-rata portion for the indemnities thus determined. (If the foregoing policy provision is included in a policy which also contains the next preceding policy provision there shall be added to the caption of the foregoing provision the phrase "—OTHER BENEFITS". The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or

employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

f. A provision as follows:

RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro-rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time.

(The foregoing policy provisions may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any

province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.)

g. A provision as follows:

UNPAID PREMIUM: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

h. A provision as follows:

CANCELLATION: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro-rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.

i. A provision as follows:

CONFORMITY WITH STATE STATUTES: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes.

j. A provision as follows:

ILLEGAL OCCUPATION: The insurer shall not be liable for any loss to which a contributing cause was the

insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

k. A provision as follows:

INTOXICANTS AND NARCOTICS: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.

3. **Inapplicable of Inconsistent Provisions.** If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

4. **Order of Certain Policy Provisions.** The provisions which are the subject of subsections 1 and 2 of this section, or any corresponding provisions which are used in lieu thereof in accordance with such subsections shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

5. **Third Party Ownership.** The word "insured" as used in this Act, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

6. **Requirements of Other Jurisdictions.**

- a. Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of this Act and which is prescribed or required by the law of the state under which the insurer is organized.
- b. Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provis-

ion permitted or required by the laws of such other state or country.

7. Filing Procedure. The commissioner may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to this Act as are necessary, proper or advisable to the administration of this Act. This provision shall not abridge any other authority granted the commissioner by law.

§ 4. CONFORMING TO STATUTE.)

1. Other Policy Provisions. No policy provision which is not subject to section 3 of this Act shall make a policy, or any portion thereof, less favorable in any respect to the insured or to the beneficiary than the provisions thereof which are subject to this Act.

2. Policy Conflicting with this Act. A policy delivered or issued for delivery to any person in this state in violation of this Act shall be held valid but shall be construed as provided in this Act. When any provision in a policy subject to this Act is in conflict with any provision of this Act, the rights, duties, and obligations of the insurer, the insured and the beneficiary shall be governed by the provisions of this Act.

§ 5. APPLICATION.)

1. The insured shall not be bound by any statement made in an application for a policy unless a copy of such application is attached to or endorsed on the policy when issued as a part thereof. If any such policy delivered or issued for delivery to any person in this state shall be reinstated or renewed, and the insured or the beneficiary or assignee of such policy shall make written request to the insurer for a copy of the application, if any, for such reinstatement or renewal, the insurer shall within fifteen days after the receipt of such request at its home office or any branch office of the insurer, deliver or mail to the person making such request, a copy of such application. If such copy shall not be so delivered or mailed, the insurer shall be precluded from introducing such application as evidence in any action or proceeding based upon or involving such policy or its reinstatement or renewal.

2. No alteration of any written application for any such policy shall be made by any person other than the applicant without his written consent, except that insertions may be made by the insurer, for administrative purposes only, in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

3. The falsity of any statement in the application for any policy covered by this Act may not bar the right to recovery thereunder unless such false statement materially affected either the acceptance of the risk or the hazard assumed by the insurer.

§ 6. NOTICE, WAIVER.) The acknowledgement by any insurer of the receipt of notice given under any policy covered by this Act, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy.

§ 7. AGE LIMIT.) If any such policy contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

§ 8. NON-APPLICATION TO CERTAIN POLICIES.) Nothing in this Act shall apply to or affect (1) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a) provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

§ 9. VIOLATION.) Any person, partnership or corporation wilfully violating any provision of this Act or order of the commissioner made in accordance with this Act, shall forfeit to the people of the state a sum not to exceed five hundred dollars for each such violation, which may be recovered by a civil action. The commissioner may also suspend or revoke the license of an insurer or agent for any such wilful violation. A

violation of the provisions of this Act shall constitute a misdemeanor.

§ 10. JUDICIAL REVIEW.) Any order or decision of the commissioner under this Act 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.

§ 11. REPEAL.) Sections 26-0338 and 26-0339 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 12. EFFECTIVE DATE OF ACT.) This Act shall take effect on the first day of July, 1953. A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this state immediately before the effective date of this Act may be used or delivered or issued for delivery to any such person during three years after the effective date of this Act without being subject to the provisions of section 2, 3 or 4 of this Act.

Approved March 20, 1953.

CHAPTER 190

H. B. No. 680
(Neukircher and Fitch)

AUTHORIZATION OF LLOYDS INSURANCE; REPEAL

AN ACT

To repeal section 26-0718 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the authorizing of associations of individuals known as Lloyds to transact insurance.

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

§ 1. Section 26-0718 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 10, 1953.

CHAPTER 191

H. B. No. 708
(Neukircher, Schmalenberger, Fitch)

PROCUREMENT OF INSURANCE, INDEMNITY CONTRACT, AND
BONDS NOT PROCURABLE FROM AUTHORIZED COMPANIES
FROM COMPANIES NOT OTHERWISE AUTHORIZED TO DO
BUSINESS

AN ACT

Permitting the procurement of insurance, indemnity contract, and bonds not procurable from authorized companies doing business in this state from companies not otherwise authorized to do business in this state.

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

§ 1 DEFINITION OF TERMS.) The words, "commissioner" or "insurance commissioner", as used in this Act, refer to the commissioner of insurance of the state of North Dakota. A "surplus line" agent is one to whom a "surplus line" license has been issued by the commissioner under the provisions of this Act.

§ 2. ISSUANCE OF LICENSE; FEE; AUTHORITY CONFERRED BY LICENSE.) Upon receipt of an application in proper form, on blanks furnished by the commissioner, and on payment of a license fee of ten dollars (\$10.00), the insurance commissioner may issue a "surplus line" license to any duly qualified and licensed insurance agent of this state. Such license shall permit the agent named therein to act as agent in this state for any foreign company or insurer not authorized to transact business in this state in securing, issuing or placing policies of insurance, contracts of indemnity and/or surety bonds on property located in, or undertakings to be carried out in, this state for such companies.

§ 3. EXECUTION AND DELIVERY OF BOND; RIGHTS CONFERRED BY LICENSE.) Before receiving such license, such 'surplus line' agent shall execute and deliver to the commissioner a bond in the penal sum of two thousand dollars (\$2,000.00) in such form and with such sureties as the commissioner shall approve, conditioned that he will fully comply with all requirements of this Act. Such license shall entitle such agent to transact business for any or all unauthorized companies or insurers as provided in this Act, and shall expire on April 30th next following the date of issue.

§ 4. AFFIDAVIT AS PREREQUISITE OF INSURANCE; CONTENTS.) Before the person named in such license shall procure, effect or issue any such insurance policy or indemnity contract or surety bond, he shall in every case execute and file with the commissioner his affidavit in acceptable form that the insured is unable, after diligent search, to procure the insurance, indemnity contract, or surety bond desired from a company authorized to do business in this state. If the commissioner concurs in the allegation set forth in the affidavit the commissioner may authorize the procuring of the insurance, indemnity contract or bond from a company not authorized to do business in this state.

§ 5. ENDORSEMENT OF POLICY.) Every policy issued under this section shall be endorsed 'Issued in an unauthorized company, under agent's license No.....,' which endorsement shall be properly filled in and signed by the agent.

§ 6. SERVICE OF PROCESS.) Any company desiring to transact any business under the terms of this Act, by any agent or agents in this state, shall appoint in writing the commissioner of insurance to be its true and lawful attorney, upon whom legal process in any action or proceeding against it shall be served, and in such writing, shall agree that any legal process against it, which is served upon such attorney, shall be of the same legal force and validity as if served upon such company, and that said authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment certified by the commissioner of insurance shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Such service must be made in duplicate upon the commissioner of insurance or, in his absence, upon the person in charge of his office, and shall be deemed sufficient service upon such company. When legal process against such company is served upon the commissioner of insurance he shall forthwith forward by registered mail one of the duplicate copies, prepaid, and directed to its secretary or corresponding officer. For each copy of process the commissioner of insurance shall collect two dollars (\$2.00) which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs if he prevails in the suit. Legal process shall not be served upon such company except in the manner provided herein. In any suit on a policy on behalf of the owner or holder thereof, the service of process shall be made as in this section provided, but the action must be prosecuted in the county of the policy holder's residence.

§ 7. RECORD OF BUSINESS; FILING OF STATEMENT; CONTENT.) Every agent shall keep a separate account of the business under his 'surplus line' license and on or before the first day of April in each year shall file with the commissioner a statement for the twelve months preceding, giving the name of the insured to whom such policy or indemnity contract granting such unauthorized insurance has been issued, the name and home office of each company issuing any such policy or contract, the amount of such insurance, the rates charged therefor, the gross premiums charged therein or therefor, the date and term of the policy and the amount of premium returned on each policy cancelled or not taken, with such information and upon such form as required by the commissioner, and pay the commissioner an amount equal to the taxes imposed by law on the premiums of like authorized insurance companies. If a 'surplus line' policy covers risks or exposures only partially in this state, the tax so payable shall be computed upon the portion of the premium which is properly allocable to the risks or exposures located in this state.

§ 8. SURPLUS LINE INSURANCE VALID.) Insurance contracts procured as 'surplus line' coverage from unauthorized insurers in accordance with this Act shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by authorized insurers.

§ 9. ACTIONS AGAINST COMPANIES ISSUING INSURANCE; VENUE; SERVICE OF PROCESS; TIME FOR ANSWER.) Every company, insurer or insurers making insurance under the provisions of this section shall be deemed and held to be doing business in this state as an unlicensed concern and may be sued upon any cause of action arising under any policy of insurance so issued and delivered by it. Such suit shall be brought in the district court of the county wherein the plaintiff resides. Service of summons and complaint in such a suit shall be made upon the commissioner of insurance in the manner provided by section 6 of this Act.

§ 10. PENALTY FOR FAILURE TO FILE STATEMENT AND PAY TAX; ACTION FOR RECOVERY; REVOCATION OF LICENSE; CONDITIONS PREREQUISITE TO REISSUANCE; HEARING PROCEDURE AND JUDICIAL REVIEW.) Every such agent who fails or refuses to make and file said annual statement, and to pay the taxes required to be paid thereon prior to the first day of May after such tax is due, shall be liable for a fine of twenty-five (\$25.00) dollars for each day of said delinquency. Such tax and fine may be recovered in an action to be instituted by the commissioner in the name of the state, the attorney general representing him, in any court of competent jurisdiction, and the fine, when so

collected, shall be paid to the state treasurer and placed to the credit of the general fund. If any such agent shall fail to make and file said annual statement and pay the said taxes, or shall refuse to allow the commissioner to inspect and examine his records of the business transacted by him pursuant to this section, or shall fail to keep such records in manner as required by the commissioner, or shall falsify the affidavit referred to in section 4 of this Act, the surplus line agent's license of such agent shall be immediately revoked by the commissioner.

Before the commissioner of insurance shall revoke or suspend any such license he shall give to the agent written notice of the charges and of the hearing, not less than twenty (20) days prior to the time set for such hearing. Such notice shall be forwarded by registered mail addressed to the agent at his last known address. Full opportunity shall be given at such hearing to the agent to appear with counsel and be heard upon such charges. Any agent or other person aggrieved by any order or decision made by the commissioner of insurance may appeal therefrom to the district court of the county where the aggrieved party may reside, or the district court of Burleigh County, North Dakota, within thirty (30) days from the making and filing of the order or decision, by filing in the office of the commissioner of insurance a notice of the appeal in writing and in this case the commissioner of insurance shall within twenty (20) days after filing of the notice, make and return to the district court a full and complete certified transcript of the finding and order appealed from and of all parts relative thereto on file in his office, including the notice of appeal, and upon the filing of the certified transcript all matters involved therein shall be brought on for trial upon the merits at the next term of the court after the filing of the transcript, unless otherwise ordered by the court; and upon the trial and findings of fact on which the order is based shall be prima facie evidence of the matters therein stated. During the pendency of the proceedings upon the review the order of the commissioner of insurance shall be suspended, but in the event of a final determination against such agent, the license shall be immediately revoked. In the event of the revocation of a license of an agent whether by the action of the commissioner or by judicial proceedings, another license shall not be issued to that agent until one (1) year shall elapse from the effective date of such revocation, nor until all taxes and fines are paid, nor until the commissioner shall be satisfied that full compliance with this section will be had.

§ 11. SURPLUS LINES IN SOLVENT INSURERS.) A 'surplus line' agent shall not knowingly place 'surplus line' insurance with insurers unsound financially. The agent shall ascertain the

financial condition of the unauthorized insurer before placing insurance therewith. The agent shall not so insure with any stock insurer having capital and surplus amounting to less than two hundred fifty thousand dollars (\$250,000.00); or with any other type of insurer having assets of less than two hundred thousand dollars (\$200,000.00), of which not less than one hundred thousand dollars (\$100,000.00) is surplus.

§ 12. AGENT'S AUTHORITY.) An agent duly licensed as provided in this act may accept business from any duly licensed agent for an admitted company and may compensate him therefor, provided such insurance is written in conformity with the provisions of the insurance code.

§ 13. COMMISSIONER TO MAKE RULES.) The commissioner may make and publish reasonable rules and regulations, consistent with this act, in respect to transactions governed thereby and the basis or bases for his determination hereunder.

§ 14. REPEALING CLAUSE.) All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1953.

CHAPTER 192

H. B. No. 618
(McLellan and Crothers)

INVESTMENT OF FUNDS OF INSURANCE COMPANIES

AN ACT

To amend and reenact subsection 3 of section 26-0811 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to investment of funds of insurance companies.

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

§ 1.) Subsection 3 of section 26-0811 of the 1949 Supplement to 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 accumulation in:

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 this state or within any state in which such company is, or becomes, authorized and licensed to transact business, or within any state contiguous to the state of North Dakota. 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 that 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. In no event shall a loan be made in excess of the amount of insurance carried on the buildings plus the value of the land. 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 indentures.

Approved March 4, 1953.

CHAPTER 193

S. B. No. 51
(Legislative Research Committee)
(at the request of the Public Welfare Board)

CHARITABLE INSTITUTIONS OR GOVERNMENT AGENCIES
MAY BE BENEFICIARIES OF FRATERNAL
BENEFIT SOCIETIES

AN ACT

To amend and reenact section 26-1219 of the North Dakota Revised Code of 1943, relating to beneficiaries of fraternal benefit societies; restrictions.

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

§ 1. AMENDMENT.) Section 26-1219 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1219. BENEFICIARIES; RESTRICTIONS.) The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, to a person or persons dependent upon the member, a person or persons upon whom the member is dependent, or to the member's estate. If the member shall become dependent upon an incorporated charitable institution or any governmental agency from which a member received aid after the issuance of the original certificate, he shall have the privilege, with the consent of the society, to make such institution or governmental agency his beneficiary. Within the above restrictions, each member shall have the right to designate his beneficiary, and, from time to time, to have the same changed in accordance with the laws, rules, and regulations of the society. No beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the member. Any society, by its law and within the above classes, may limit the scope of beneficiaries.

Approved February 28, 1953.

CHAPTER 194

H. B. No. 681
(Holand)

ORGANIZATION OF COUNTY MUTUAL INSURANCE
COMPANIES

AN ACT

To amend and reenact section 26-1501 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to organization of county mutual insurance companies.

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

• § 1. AMENDMENT.) Section 26-1501 of the 1949 Supplement to the North Dakota Revised Code of 1943 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, wind-storm, 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, smoke to the property of the insured, theft, vandalism, malicious mischief, water damage and freezing, or all 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 4, 1953.

CHAPTER 195

S. B. No. 181
(Baeverstad and Gronvold)

REINSURANCE BY COUNTY MUTUAL INSURANCE
COMPANIES

AN ACT

To allow county mutual insurance companies to reinsure in one contract against excessive losses upon all risks written and to amend and reenact section 26-1513 of the North Dakota Revised Code of 1943, relating to territorial limitations of county mutual insurance companies.

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

§ 1. REINSURANCE OF EXCESSIVE LOSSES.) Except as otherwise provided in sections 26-0503 and 26-0715 of the North Dakota Revised Code of 1943, any county mutual insurance company may reinsure in a single contract, with other county mutual insurance companies, against excessive losses on all contracts of insurance written. Such reinsurance contracts may provide:

1. That whenever the total losses per dollar of insurance in force of any county mutual insurance company joining such contract should exceed the average total losses per dollar of insurance in force of all county mutual insurance companies joining such contract, such excessive loss or a portion thereof shall be paid to such county mutual insurance company or companies suffering the excessive loss by the companies having a lower than average loss ratio; and
2. That such payments by individual companies suffering a lower than average loss ratio shall be pro-rated according to a formula based upon the total dollars of insurance in force of any participating company as compared to the total dollars of insurance in force of all participating companies suffering a lower than average loss ratio.

In no case shall such payments by any single company be greater than that sum which would bring the loss ratio per dollar of insurance in force of such company up to the average loss per dollar of insurance in force of all participating companies.

§ 2. DESIGNATION OF ATTORNEY IN FACT: ASSESSMENTS.) Companies participating in such a reinsurance contract shall designate an attorney in fact whose duty it shall be to calculate the average loss per dollar of insurance in force for each participating company and the average loss per dollar of insurance in force of all participating companies at regular intervals. It shall also be the duty of the attorney in fact to prorate and assess the excessive losses against the participating companies in the manner provided in section 1 of this Act and to collect such assessments and pay them over to the companies suffering the excessive losses. The participating companies may pay such assessments out of reserves or a company may assess its individual members in the manner provided for other ordinary losses. Each participating company shall pay an agreed advance premium which shall be sufficient to pay all administrative expenses of the attorney in fact.

§ 3. SUPERVISION BY INSURANCE COMMISSIONER.) The commissioner of insurance shall have full powers of supervision over all reinsurance contracts executed under the provisions of this Act.

§ 4. AMENDMENT.) Section 26-1513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1513. TERRITORIAL LIMITS OF COMPANY'S OPERATIONS; TERMS OF POLICIES; PROPERTY INSURABLE.) A company formed under the provisions of this chapter shall not insure any property beyond the limits of the territory comprised in the formation of the company except as provided in subsection 3 of section 26-1502 and except that this territorial limitation shall not apply to reinsurance contracts. Its policies shall be issued for not to exceed five years. No policy shall be issued covering property located within the platted limits of any incorporated municipality in this state. The company shall not insure property other than:

1. Detached dwellings and their contents;
2. Farm buildings and their contents;
3. Country schoolhouses and the furniture, books and fixtures therein;
4. Country churches and the furniture and other contents thereof;
5. Automobiles, and a policy covering automobiles shall cover the same only when they are in buildings or on premises described in the policy;

6. Livestock on the premises of the owner or anywhere within the limits of the territory within which the company is authorized to operate;
7. Farm machinery and vehicles, including threshing machines only when the same are not in service, in buildings or on the premises of the owner, or as described in the policy; and
8. Hay or grain in stack on the premises of the owner thereof.

Policies issued by the company may cover loss or damage to livestock, harness, and vehicles temporarily taken from the territory of the company if the same are not removed more than twenty-five miles from such territory.

Approved March 20, 1953.

CHAPTER 196

H. B. No. 662
(Sortland, Esterby and Simenson)

HAIL INSURANCE INDEMNITY; WHEN LOSSES ALLOWED

AN ACT

To amend and reenact section 1 of chapter 191 of the North Dakota Session Laws of 1951, relating to the amount of hail insurance indemnity and when losses allowed, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 1 of chapter 191 of the North Dakota session laws of 1951, is hereby amended and reenacted to read as follows:

26-2223. AMOUNT OF INDEMNITY; WHEN LOSSES ALLOWED.) The maximum amount of indemnity for total loss shall be either eight dollars per acre or twelve dollars per acre, and the application for hail insurance coverage may specify either of said amounts. No indemnity shall be allowed to any claimant for a loss of less than ten percent, and a loss of eighty-five percent or over shall be deemed a total loss. A loss of fifty percent of actual determined hail damage may be allowed to insured wheat, oats, barley, rye and flax crops laying in windrows,

bound or shocked. Only loss or damage to crops directly traceable to hail shall be allowed and no indemnity shall be allowed or paid for damage to any crop after it is abandoned.

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

Approved March 5, 1953.

CHAPTER 197

H. B. No. 631

(Haugen, Rohde, Hegge, Lindberg of Burke-Divide)
(and Erickson of Burke-Divide)

ADDITIONAL HAIL INSURANCE COVERAGE

AN ACT

To amend and reenact section 26-2224 as amended by chapter 191 of the Session Laws of 1951, relating to additional insurance; when such insurance is effected; and section 26-2232 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 191 of the Session Laws of 1951, relating to the rate of hail indemnity.

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

§ 1. AMENDMENT.) Section 26-2224 of the North Dakota Revised Code of 1943 as amended by section 2 of chapter 191 of the North Dakota session laws for 1951 is hereby amended and reenacted to read as follows:

26-2224. ADDITIONAL INSURANCE: APPLICATION; WHEN EFFECTIVE; CONTENTS OF APPLICATION.) If the original application for hail insurance calls for eight dollars per acre insurance, the insured, before loss and before July fifteenth, may make an application to the state hail insurance department for an additional four dollars per acre protection. Such application shall be made in duplicate upon forms prepared and furnished by the commissioner of insurance, and shall be mailed directly to the department at Bismarck, and shall contain the legal description of the land, the kind of crops, the acreage thereof on which additional insurance is desired, and a statement to the effect that such crops have not been damaged or destroyed by hail. The location of the crops on which additional insurance

is desired shall be shown on a diagram on the application blank. The application shall be signed by the applicant and shall be acknowledged before an assessor or sworn to before someone authorized to administer oaths. If the applicant is a tenant, the signed consent of the person liable for the hail indemnity tax must appear upon such application, and if the owner makes such application the written consent of the tenant must appear thereon. If an owner or a tenant acts as agent one for the other in filing such application, a written authorization so to act shall be attached to the application. An application for additional insurance is subject to the approval of the commissioner of insurance, and if approved, the duplicate thereof shall be returned to the applicant and shall be his policy of insurance. In no event shall such additional insurance become effective until midnight of the date shown on the postmark, according to the department's receiving records, if mailed, and until midnight of the date an application is stamped "received" if it is personally delivered to the office of the state hail insurance department, subject however to the approval of the commissioner of insurance as to insurability.

§ 2. AMENDMENT.) Section 26-2232 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by section 4 of chapter 191 of the North Dakota session laws of 1951 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 described in section 26-2230. When twelve dollars per acre insurance is carried, the indemnity tax shall be as much greater than the tax for eight dollars per acre insurance as twelve is greater than eight.

As soon as possible after the hail indemnity tax rates have been determined, the commissioner shall send a statement by mail to each owner of real property against which the hail indemnity tax has been levied, setting forth the amount of said hail indemnity tax. The commissioner shall allow a five per cent discount to all persons who shall pay all of the hail indemnity tax levied on any tract or parcel of real property in any one year in full on or before the fifteenth day of November of the year in which such hail indemnity tax has been levied. As soon as possible after the fifteenth day of November of each year, the commissioner through the state hail insurance department, shall file with the county auditor of each county a complete list of descriptions of lands within such county upon

which the state hail insurance department has carried the protection for the then current season based on the regular applications for hail insurance on file in his office after cancellation thereof and changes therein have been considered and cash payment have been credited. Each county auditor shall enter the unpaid hail indemnity tax in the tax list for his county and spread the same upon the tax rolls thereof in separate columns showing the amount of indemnity tax charged against each description of each tract, parcel, or subdivision of land insured with the department using the list described in this section as the basis therefor. The several county auditors and county treasurers shall make proper corrections on their records and shall cause deductions of hail indemnity taxes to be made from time to time upon receipt of certification from state hail insurance department.

Approved March 5, 1953.

CHAPTER 198

H. B. No. 630

(Haugen, Rohde, Hegge, Lindberg of Burke-Divide)
(and Erickson of Burke-Divide)

**HAIL INSURANCE; RATE OF PREMIUM; PAYMENT, REFUND,
PRO-RATING LOSS PAYMENTS; ADDITIONAL INSURANCE**

AN ACT

To amend and reenact section 26-22242 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to rate of premium; payment, refund, prorating payment of losses where losses exceed total paid in with applications for such additional insurance and declaring an emergency.

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

§ 1. AMENDMENT.) Section 26-22242 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

26-22242. RATE OF PREMIUM; PAYMENT; REFUND; PAYMENT OF LOSSES WHERE LOSSES EXCEED TOTAL PAID IN WITH APPLICATIONS FOR SUCH ADDITIONAL INSURANCE.) All applications for additional insurance provided for herein (26-22241) 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 (26-22243). 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 (26-22241), 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 payment for such additional insurance for any year exceeds eight percent of risk carried by the department for such year in the eastern district and/or exceeds fifteen percent of risk carried in the western district, the commissioner of insurance may use any moneys in the surplus of the state hail insurance fund to pay the difference between the moneys actually obtained by the premium deposit and the amount actually needed to pay all legal indemnities for such additional insurance for such year. In the following or in any succeeding year or years when the indemnity for hail losses is not in excess of the premium deposit for each district, carried by the department, the commissioner before making any refund to each such district as herein provided shall reimburse the state hail insurance fund from the funds of such district in such amount each year as in his discretion shall be reasonable, until all amounts withdrawn therefrom for the payment of such additional hail insurance losses shall have been repaid.

§ 2. EFFECTIVE DATE.) The above section shall be retroactive to the extent that the commissioner shall have authority to pay out of the state hail insurance surplus fund the deficiency resulting from the losses exceeding the premium deposit for the year 1952.

§ 3. SAVING CLAUSE.) If any section or part of any section in this act for any reason shall be determined or declared unconstitutional, illegal or void, such determination shall not vitiate or void all such parts as are legal and valid.

§ 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 18, 1953.

CHAPTER 199

H. B. No. 629

(Haugen, Fitch, Hegge, Hafner, Mollet, Langseth, Neukircher,
(Lindberg of Stutsman, Rudolf, Rohde, Wolf of)
(McIntosh-Logan and Heimes)

PAYMENT OF PREMIUMS FOR BONDING
OF PUBLIC OFFICIALS

AN ACT

To amend and reenact section 26-2306 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to premiums paid for bonding of public officials.

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

§ 1. AMENDMENT.) Section 26-2306 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby 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 employe 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 employe 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 employes 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, 1953, 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 two and one-half million dollars. The collection of premiums shall be resumed on the bonds of all public employes 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 two and one-half million dollars. Such premium shall be collected again until the said reserve fund shall reach a total of three million dollars, at which time all such premiums shall again be waived until such reserve fund has been depleted below the sum of two and one-half 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 two and one-half million dollars nor be allowed to exceed the sum of three million dollars.

Approved March 6, 1953.

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 200

S. B. No. 81
(Committee on Judiciary)

SALARIES OF JUDGES OF SUPREME AND DISTRICT COURTS

AN ACT

To amend and reenact sections 27-0202 and 27-0503 of the 1949 Supplement of the North Dakota Revised Code of 1943 as amended by chapter 196 of the Session Laws of 1951, relating to the salaries of judges of the supreme court and district courts.

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

§ 1. AMENDMENT.) Section 27-0202 of the 1949 Supplement of the North Dakota Revised Code of 1943 as amended by chapter 196 of the session laws of 1951 is hereby amended and reenacted to read as follows:

27-0202. SALARIES OF JUDGES OF SUPREME COURT.) Each judge of the supreme court shall receive an annual salary of ten thousand dollars.

§ 2. AMENDMENT.) Section 27-0503 of the 1949 Supplement of the North Dakota Revised Code of 1943 as amended by chapter 196 of the session laws of 1951 is hereby amended and reenacted to read as follows:

27-0503. SALARIES AND EXPENSES OF DISTRICT JUDGES.) Each district judge of this state shall receive an annual salary of eight 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 10, 1953.

CHAPTER 201

S. B. No. 223
(Senate Judiciary Committee)

PROMULGATION AND ADOPTION OF SUPREME COURT RULES
OF PROCEDURE

AN ACT

To amend and reenact sections 27-0211, 27-0213 and 27-0214 of the North Dakota Revised Codes of 1943 relating to the promulgation and adoption by the supreme court of rules of procedure in civil and criminal actions and proceedings in the courts of this state and to prescribe the duties of the clerk of the supreme court and of the clerks of the district court relating to such rules.

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

§ 1. AMENDMENT.) Section 27-0211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0211. NOTICE OF INTENTION TO PROMULGATE RULE: REQUIREMENT OF; METHOD OF GIVING; HEARING INTERESTED PARTIES.) No new rule shall be promulgated by the supreme court under the provisions of sections 27-0207 and 27-0208 until such court first shall have given notice of its intention to do so by filing such proposed rule in the office of the clerk of the supreme court and by causing a certified copy thereof to be filed in the office of the clerk of the district court of each county in the state and by mailing to each district judge, judge of the county court of increased jurisdiction and to each attorney who has been currently licensed to practice law in this state a copy of such proposed rule together with a notice stating that such proposed rule has been filed in the office of the clerk of the supreme court and that a certified copy thereof has been filed in the office of the clerk of the district court of each county in the state; and stating also the time when and the place where the supreme court will afford any person interested an opportunity to appear and be heard with reference to the adoption of the same. Such notice and copy of the proposed new rule shall be so mailed not less than thirty days before the date fixed for such hearing; after such hearing has been held the court shall make such order as it shall deem just and proper. It may order that the rule be adopted as proposed; it may order that the proposed rule shall not be adopted; it may make any amendments or changes in the rule which in its judgment is desirable to accomplish the purpose

sought to be furthered by the rule and adopt the rule as so changed without further notice.

§ 2. AMENDMENT.) That section 27-0213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0213. MEANS OF PUTTING INTO EFFECT RULES OR AMENDMENTS TO RULES ADOPTED BY SUPREME COURT.) No new rule or amendment promulgated under the provisions of sections 27-0207 and 27-0208 shall become effective until the supreme court shall have:

1. Made an order in writing adopting the same;
2. Caused the same to be signed by the chief justice and attested by the clerk of the supreme court under the seal of such court;
3. Filed the same in the office of the clerk of the supreme court and caused a certified copy thereof and of the order adopting the same to be filed in the office of the clerk of the district court of each county in the state. The clerk of the district court of each county shall enter each rule so filed at length in the records of his office.

The clerk of the supreme court shall file proof of the filing of a certified copy of such rule and of the order adopting the same in the office of the clerk of the district court of each county with the original record relating to such rule; and such clerk shall mail a copy of any rule adopted by the supreme court under the provisions of sections 27-0207 and 27-0208 and of the order adopting the same to each judge of the district court and to each judge of the county court of increased jurisdiction within eight days after such rule has been adopted.

All rules so adopted by the supreme court shall be published in the official reports of the cases decided by the supreme court of North Dakota. The court may make such additional publication of any rule as it may deem desirable.

§ 3. AMENDMENT.) That section 27-0214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0214. EFFECTIVE DATE OF RULES PROMULGATED BY SUPREME COURT.) A rule promulgated by the supreme court under the provisions of sections 27-0207 and 27-0208 shall become effective on the thirtieth day after the filing of the order in the office of the clerk of the supreme court unless the supreme court, in its order, shall fix a longer term before the effective date of such rule, in which case the date so fixed shall be the effective date.

Approved March 16, 1953.

CHAPTER 202

H. B. No. 626
(Beede, Fitch, McLellan)

SALARIES AND EXPENSES OF DISTRICT COURT REPORTERS

AN ACT

To amend and reenact section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 197 of the 1951 Session Laws of the State of North Dakota, relating to salaries and expenses of district court reporters.

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

§ 1. AMENDMENT.) Section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 197 of the 1951 session laws of the state of North Dakota 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 five 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 living expenses a sum not to exceed seven dollars per day for meals and lodging expenses, and actual transportation expenses. Such sums shall be paid monthly by the county wherein such court reporter is attending to such official duties, when approved by the board of county commissioners. Claims for actual transportation expense shall not exceed the amounts provided by section 54-0609 and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, and verified by affidavit. No claim for living expenses or actual transportation expenses shall be

approved for payment to a court reporter by the board of county commissioners unless such claim shall have been first approved by the district judge.

Approved March 20, 1953.

CHAPTER 203

S. B. No. 103
(Judiciary Committee)

ATTORNEYS ADMITTED TO BAR IN OTHER STATES
ADMITTED WITHOUT EXAMINATION

AN ACT

To amend and reenact section 27-1125 of the North Dakota Revised Code of 1943, relating to the admission to the bar of this state without examination of attorneys admitted to the bar in other states.

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

§ 1. AMENDMENT.) Section 27-1125 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1125. ATTORNEYS ADMITTED IN OTHER STATES ADMITTED WITHOUT EXAMINATION.) At the discretion of the supreme court of this state, any person may be admitted to the bar of this state without examination upon satisfactory proof that he:

1. Is a resident of this state;
2. Is at least twenty-one years of age;
3. Is of good moral character;
4. Has been admitted to the bar of some other state, territory, or the District of Columbia; and
5. Has practiced law in such state, territory, or in the District of Columbia for not less than five years.

Approved March 6, 1953.

JUDICIAL PROCEDURE, CIVIL

CHAPTER 204

S. B. No. 148
(Rue)

SERVICE OF PROCESS ON NON-RESIDENT MOTOR VEHICLE USERS

AN ACT

To amend and reenact section 28-0611 of the 1951 Session Laws of the State of North Dakota, relating to service of process on resident and non-resident motor vehicle users.

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

§ 1. AMENDMENT.) Section 28-0611 of the 1951 session laws of the State of North Dakota is hereby amended and reenacted to read as follows:

28-0611. NON-RESIDENT MOTOR VEHICLE USER; SERVICE UPON.) The use and operation by a resident of this state or his agent, or by a non-resident or his agent, of a motor vehicle upon or over the highways of this state shall be deemed an appointment by such resident when he has been absent from this state continuously for six months or more following an accident or by such non-resident at any time, of the highway commissioner of this state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him growing out of the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private property, and such use or operation shall constitute an agreement that any such process in any action against him which is so served shall have the same legal force and effect as if served upon him personally. Service of the summons in such case may be made by delivering a copy thereof to the highway commissioner together with a fee of two dollars.

Approved March 12, 1953.

JUDICIAL PROCEDURE, PROBATE

CHAPTER 205

**H. B. No. 763
(McLellan and Holand)**

**CONTENTS AND FORM OF CITATIONS OR NOTICES IN
COUNTY COURT PROCEEDINGS**

AN ACT

To amend and reenact section 30-0208 of the North Dakota Revised Code of 1943 as amended by chapter 208 of the 1951 Session Laws, relating to contents and form of citations or notices in county court proceedings.

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

§ 1. AMENDMENT.) Section 30-0208 of the North Dakota Revised Code of 1943 as amended by chapter 208 of the 1951 session laws, is hereby amended and reenacted to read as follows:

30-0208. CONTENTS AND FORM OF CITATION OR NOTICE.) A citation or notice in county court shall be issued substantially in the following form:

STATE OF NORTH DAKOTA)
)ss. IN COUNTY COURT
County of)

IN THE MATTER OF THE ESTATE OF.....Deceased:
(or in the matter of the guardianship of.....
a minor, or an incompetent person, as the case may be.)

.....Petitioner, NOTICE OF HEARING
vs. PETITION FOR.....
.....Respondents.

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED RESPONDENTS:

You and each of you are hereby notified that a petition has been filed in this court for (here give nature of petition, residence or late residence of the owner of the estate, and other matter necessary to inform parties interested of the nature of the proceedings); that said petition will be heard at the office

of the county judge at the courthouse in the.....of
in the county of.....
 and State of North Dakota, on the.....day of
A. D. 19..... at the hour of.....o'clock
 M., of that day, or at such subsequent time or other place
 to which said hearing may be adjourned or transferred, at
 which time and place you may be heard if you wish.

Let service of this notice be made as required by law.

Dated this.....day of.....A. D. 19.....

By the court

(SEAL OF COURT)

.....
 Judge of the County Court.

Approved March 5, 1953.

CHAPTER 206

H. B. No. 758
 (Baker and Beede)

PERSONAL PROPERTY EXEMPTIONS IN PROBATE PRACTICE

AN ACT

To amend and reenact section 30-1606 of the North Dakota Revised Code of 1943 pertaining to personal property exemptions in probate practice.

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

§ 1. AMENDMENT.) Section 30-1606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1606. EXEMPT PERSONAL PROPERTY; SELECTION. There also shall be set apart absolutely to the surviving wife or husband or minor children of a decedent all of the personal property of the decedent which by law is absolutely exempt to the head of the family, and other personal property selected by the surviving wife or husband or minor children to the amount in value of twenty-five hundred dollars according to the appraisal. Such property shall not be liable for any prior debt of

the decedent except the necessary charges of his last sickness and funeral and expenses of the administration, if there are no other assets available for the payment of such charges.

Approved March 10, 1953.

CHAPTER 207

H. B. No. 764
(McLellan, Holand)

RETURN OF INVENTORY AND APPRAISEMENT AND
HOMESTEAD AND OTHER EXEMPT PROPERTY

AN ACT

To amend and reenact section 30-1607 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to proceedings in county court in regard to inventory and appraisement and homestead and other exempt property.

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

§ 1. AMENDMENT.) Section 30-1607 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1607. RETURN OF INVENTORY AND APPRAISEMENT; OBJECTIONS; HEARING.) Upon the return of the inventory and appraisement in an estate, the court may fix a day for hearing objections thereto concerning the homestead and other exempt property, and the executor or administrator shall thereupon cause notice thereof to be given to all parties interested. At the hearing, the court may confirm the proceedings as to the inventory and appraisement and set apart the homestead and other exempt property, or may modify such proceedings or set them aside and order a new appraisement, as justice requires.

Approved March 5, 1953.

CHAPTER 208

H. B. No. 756
(Baker and Beede)

ADMINISTRATION OF SMALL ESTATES; MINIMUM AMOUNT;
ASSIGNMENT

AN ACT

To amend and reenact sections 30-1701 and 30-1705 of the North Dakota Revised Code of 1943 pertaining to the administration of small estates, and changing the minimum amount of such estates.

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

§ 1. AMENDMENT.) Section 30-1701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1701. SUMMARY ADMINISTRATION PERMITTED.) There may be a summary administration of the estate of a deceased person as provided in this chapter, if:

1. Upon the return of the inventory of the estate of a deceased person it appears that:
 - a. The value of the whole estate does not exceed the sum of twenty-five hundred dollars; and
 - b. There is a surviving husband or wife or minor child or children of the deceased; or
2. A petition for a summary administration is filed as provided in section 30-1702.

§ 2. AMENDMENT.) Section 30-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1705. ASSIGNMENT TO FAMILY SUBJECT TO LIENS AND EXPENSES.) If, upon the hearing held pursuant to a petition made as provided in section 30-1702, or upon the return of an inventory as provided in section 30-1701, the court finds that the value of the estate does not exceed the sum of twenty-five hundred dollars, it, by a decree for that purpose, shall assign the whole estate, real and personal, to:

1. The surviving husband or wife of the testator or intestate, if there is a surviving husband or wife;

2. The minor child or children of the deceased, if there are minor children, and there is no surviving husband or wife.

The estate assigned shall be subject to whatever mortgages, liens, or encumbrances may be in effect upon the estate at the time of the death of the testator or intestate, and to the payment of the expenses of the last illness of the decedent, funeral expenses, and expenses of administration. The title thereof shall vest absolutely in such surviving husband or wife or minor children subject to the mortgages, liens, or encumbrances upon said estate at the time of the death of the decedent and there must be no further proceedings in the administration unless further estate is discovered.

Approved March 10, 1953.

CHAPTER 209

H. B. No. 791
(Gefreh, Holand and Erickson of Bottineau)

SALE OF REAL PROPERTY OF AN ESTATE

AN ACT

To amend and reenact sections 30-1913 and 30-1914 of the North Dakota Revised Code of 1943 relating to sale of real estate of an estate.

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

§ 1. AMENDMENT.) Section 30-1913 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1913. TIME AND PLACE OF SALE.) A sale of real property of an estate at public auction must be made in the county where the land is situated, but if the land is situated in two or more counties, it may be sold in any county in which any part or parcel is situated. The sale must be made between the hours of nine o'clock a. m. and six o'clock p. m. of the same day and must be made at the time named in the notice of sale unless the same is postponed. If, at the time appointed for the sale, the executor or administrator deems it for the best interest of the estate that the sale be postponed, he may postpone it from

time to time but the sale may be made before a final decree is entered. In case of postponement, notice thereof must be given by a public declaration at the time and place first appointed for the sale, and if the postponement is for more than ten days, further notice must be given by publishing the same once each week for two successive weeks next before the sale.

§ 2. AMENDMENT.) Section 30-1914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1914. PRIVATE SALE OF REAL ESTATE: NOTICE.) Where a sale of real property of an estate is ordered to be made at private sale, notice of the same must be published in a legal newspaper in the county in which the land is situated, and if none is published in the county, then in a paper in an adjoining county in the state, as the court may direct, once each week for two successive weeks, the last publication to be at least ten days before the day on or after which the sale is to be made. In such notice, the lands and tenements to be sold must be described with common certainty. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The sale must not be made before that day, but may be made before a final decree is entered.

Approved March 11, 1953.

CHAPTER 210

S. B. No. 94
(Page)

COLLECTION OF INCOME TAXES OWING AND UNPAID
BY DECEDENT AT TIME OF DEATH

AN ACT

Relating to income taxes which may have been owing and unpaid to the State of North Dakota by a decedent at the time of his death.

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

§ 1. DUTY OF JUDGE OF COUNTY COURT.) No judge of the county court of any county in this state shall issue a final

decree of distribution in any probate proceeding pending in such court unless and until he receives from the state tax commissioner a statement in writing that all income taxes which may have theretofore been owing by the decedent to the state at the time of his death have been paid.

§ 2. DUTY OF THE TAX COMMISSIONER.) The tax commissioner, upon receipt by him of an application for determination of estate tax due from the estate of any decedent, shall search the records in his office and ascertain whether there is probable cause to believe that any income taxes were owing and unpaid by the decedent at the time of his death, and shall advise the judge of the county court in which such probate proceeding is pending accordingly. The executor or administrator of an estate, anytime after such executor or administrator has qualified for office, may request the tax commissioner to determine if decedent owed any income tax up to the time of the death of such decedent, and the tax commissioner shall submit a statement in writing to the judge of the county court in which such probate proceeding is pending stating whether or not any income tax is owing, and such statement shall be submitted by the tax commissioner within 90 days after receipt of the request from the executor or administrator.

§ 3. COLLECTION OF TAXES DUE.) In the event that there is probable cause to believe that there were income taxes unpaid and owing by said decedent at the time of his death the tax commissioner shall take immediate steps to ascertain and collect the amount thereof before any decree of distribution, distributing the assets of said estate, is issued.

Approved March 10, 1953.

JUDICIAL REMEDIES

CHAPTER 211

H. B. No. 757
(Baker and Beede)

WHAT WAGES EXEMPT FROM GARNISHMENT

AN ACT

To amend and reenact section 32-0902 of the North Dakota Revised Code of 1943 pertaining to wages exempt from garnishment.

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

§ 1. AMENDMENT.) Section 32-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-0902. WHAT WAGES EXEMPT FROM GARNISHMENT.) The wages or salary of any person who is the head of a family and a resident of this state, to the amount of twenty-seven and one half dollars per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary, not to exceed the sum of twenty-seven and one half dollars per week of each week's wages earned by him, when due, upon such wage earner's making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this state, notwithstanding the service of a garnishee summons, and the surplus only of his wages above such exemptions shall be held by the employer to abide the event of the garnishment suit.

Approved March 4, 1953.

CHAPTER 212

S. B. No. 194
(Dewing and Hagen)

RECONVEYANCE OF PROPERTY UNLAWFULLY TAKEN FOR
HIGHWAY PURPOSES

AN ACT

Relating to the taking or acquiring of property for highway purposes; a statement of legislative intent relative thereto; and providing for the reconveyance of estates unlawfully taken or acquired under such proceedings.

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

§ 1. DECLARATION OF LEGISLATIVE INTENT.) It is hereby declared to be the intent of the legislative assembly that section 32-1503 of the North Dakota Revised Code of 1943 limits the estate that may be taken or acquired by the state of North Dakota or its political subdivisions for highway purposes to that of an easement. It is further found and declared that in granting conveyances to property for highway purposes it was intended by all parties that only an easement was granted and that the taking or acquiring of an estate greater than an easement for these purposes is without authority, contrary to the intent of section 32-1503 and is null and void.

§ 2. TERMINATION OF ESTATES GREATER THAN AN EASEMENT.) No transfer to the state of North Dakota or any of its political subdivisions of property for highway purposes shall be deemed to include any interest greater than an easement, and where any greater estate shall have been so transferred, the same is hereby reconveyed to the owner from which such land was originally taken, or to the heirs, executors, administrators or assigns of such owner. Such reconveyance shall be subject to any existing contracts or agreements covering such property, and all rights and benefits thereof shall accrue to the grantee.

Approved March 11, 1953.

CHAPTER 213

S. B. No. 137
(Senate Judiciary Committee)

AFFIDAVIT FOR PUBLICATION IN REAL ESTATE
MORTGAGE FORECLOSURE

AN ACT

To amend and reenact section 32-1930 of the North Dakota Revised Code of 1943 relating to the affidavit for publication in actions to foreclose real estate mortgages.

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

§ 1. AMENDMENT.) Section 32-1930 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-1930. SERVICE BY PUBLICATION: HOW MADE. Service of the summons may be made by publication if the plaintiff shall file a verified complaint in the office of the clerk of the district court of the county where the action is commenced, setting forth a cause of action in favor of the plaintiff and against the defendants, for the foreclosure of a mortgage or other lien upon real estate, and when the plaintiff shall file in said office an affidavit signed by the plaintiff or his attorney in substance as follows:

State of North Dakota)
County of)ss.

.....being first duly sworn upon oath deposes and says that he is the (attorney for)..... plaintiff in the above entitled action:

Affiant further says that the defendants (naming them)..... appear to have an interest in or lien or encumbrance upon the real estate described in the complaint in this action, that such interest or lien is subject and inferior to the lien of the plaintiff being foreclosed; that plaintiff seeks no personal judgment against the defendants, if any, (naming them).....and seeks only to bar and exclude said defendants from any interest in or lien or encumbrance upon the real estate described in the complaint, save and except the right of redemption as provided by law; that the residences of the defendants, if any, (naming them)..... are not shown upon the records of the office of the register of

deeds, county auditor, or clerk of the district court of.....
 County, that being the county in which the real estate involved
 in this action is situated; that the residences of the defendants,
 if any, (naming them).....are as
 follows:....., that affiant does not know the
 residences of the defendants, if any, (naming them).....
; that the defendants, if any, (naming them).....
 are deceased, and it does not appear by the records in the office
 of the judge of the county court in and for.....
 county, that being the county in which the real estate describ-
 ed in the complaint in the action is situated, that any adminis-
 tration upon the estate of said defendant is now pending: or,
 that the defendants, if any, (naming them).....
 are deceased, and that.....of
 is the duly appointed, qualified, and acting administrator or
 executor, as the case may be, of the estate of said deceased.

Approved March 11, 1953.

CHAPTER 214

S. B. No. 136
 (Senate Judiciary Committee)

MAILING OF SUMMONS AND COMPLAINT IN REAL ESTATE
 MORTGAGE FORECLOSURE ON SERVICE BY PUBLICATION

AN ACT

To amend and reenact section 32-1932 of the North Dakota Revised
 Code of 1943 relating to the mailing of the summons and com-
 plaint in a real estate mortgage foreclosure action where service
 has been made by publication.

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

§ 1. AMENDMENT.) Section 32-1932 of the North Dakota
 Revised Code of 1943 is hereby amended and reenacted to read
 as follows:

32-1932. COPY OF SUMMONS AND COMPLAINT TO BE MAILED.)
 Within thirty days after the first publication of the summons,
 a copy of the summons and complaint must be deposited in
 some post office in this state, postage prepaid, and directed to
 each of the defendants whose residences are shown by the
 affidavit specified in section 32-1930 to be known to the
 person making such affidavit, and to the executor or adminis-
 trator, if any, of deceased defendants. The receipt of the post
 office where such mailing is done shall be received in evidence
 by any court in this state as proof of such mailing.

Approved March 6, 1953.

LABOR AND EMPLOYMENT

CHAPTER 215

H. B. No. 803
(Baker and Gray)

COSTS OF MEDICAL EXAMINATIONS AND RECORDS REQUIRED FOR EMPLOYMENT TO BE BORNE BY EMPLOYER; PENALTY

AN ACT

Relating to employment; requiring the employer to bear the cost of medical examinations and the furnishing of medical records required as a condition of employment, and providing a penalty.

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

§ 1.) Whenever any employer requires an employee, or prospective employee, to take a medical examination, or furnish any medical records, as a condition of employment such employer shall bear the cost of such examination or the furnishing of such medical records.

§ 2.) Any employer violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars.

Approved March 17, 1953.

CHAPTER 216

S. B. No. 231

(Geelan, O'Brien, Day, and Nordhougen)

LABOR RELATIONSHIPS

AN ACT

Relating to labor relationships; providing for the prevention and settlement of labor disputes, amending and reenacting section 34-0912 of the 1949 Supplement to the North Dakota Revised Code of 1943 and repealing sections 34-0902, 34-0903, 34-0904, 34-0905, 34-0909, 34-0910, 34-0911, and 34-0915 of the 1949 Supplement of the North Dakota Revised Code of 1943.

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

§ 1. The public policy of the state is declared to be that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; that labor disputes result in economic waste detrimental to the public and the state; that the interests and rights of consumers and the people of the state should always be considered, respected, and protected; that relationships between employees and employers are therefore matters of vital public concern; that sound and stable labor relationships, the advancement of the general welfare, health and safety of the state, and the interests of employees and employers can best be secured through the processes of conference and collective bargaining between employers and representatives of their employees; and that the settlement of issues between employers and employees through collective bargaining may be advanced by making available adequate facilities for mediation, conciliation, and arbitration to aid and encourage employers and representatives of their employees to reach and maintain agreements concerning rates of pay, hours, working conditions, and other subjects of labor disputes and to make all reasonable efforts to settle their differences by mutual agreement reached through conference and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of dispute.

§ 2.) When any labor dispute causes or is likely to cause a strike or lockout or interferes or is likely to interfere with the due and ordinary course of business or menaces the public peace or jeopardizes the welfare of the community and the parties thereto are unable to adjust the same, the head of the labor division of the department of agriculture and labor,

after investigation, may report such dispute to the governor with the results of his investigation and make application to the governor for the establishment of a labor dispute board.

§ 3.) Upon the receipt of such report and application, or on his own initiative, and upon being satisfied that the dispute comes within the provisions of section 2 of this Act, the governor may establish a labor dispute board which shall have jurisdiction of such dispute as herein provided. The governor shall act as chairman of such board or shall designate a personal representative to serve in his place and stead but in the event that a representative of the governor is so designated, the governor nevertheless may act and serve in person at such times as he may see fit in place of such personal representative. Two additional members of the board shall be appointed by the governor. One such appointive member shall be identified with or representative of business, industry, commerce, management, or employers by background, experience, affiliation, or vocation and one shall similarly be identified with or representative of labor. Neither appointive member, however, shall be directly connected with either faction or party to the dispute. The board so established shall have continuing jurisdiction of such dispute until discharged by the governor.

§ 4.) Upon the establishment of a labor dispute board in any dispute, as provided in this Act, the board, as soon as practical, shall communicate with the parties to the dispute and shall endeavor to obtain an amicable settlement or agreement by mediation, conciliation or arbitration and may advise the parties to the dispute as to what ought to be done in the opinion of the board by either or both parties to the dispute to achieve an equitable and practical settlement. The board itself may serve as a board of arbitration with the consent of the parties to the dispute or it may cooperate with the parties to the dispute in providing for the submission of the dispute to an arbitration board designated by agreement of the parties. In the event that the dispute is not satisfactorily resolved by mediation, conciliation, or arbitration, the board, after careful inquiry into the causes of the dispute, investigation, and hearings or conferences with the parties to the dispute, shall make public a full report in which shall be incorporated the conclusions and recommendations of the board.

§ 5.) Whenever there is involved in a labor dispute for which a labor dispute board has been established as provided in this Act a question concerning representation of employees, the board having jurisdiction of such dispute, after investigation, may determine the appropriate unit or units of representation and the name or names of the representatives designated

or selected by each such unit. The board may utilize any suitable method of determining such representatives except that if either party to the dispute so requests as to any such unit a secret ballot of the employees in such unit shall be taken under the supervision of the board or its agent or agents appointed for that purpose. Representatives so designated or selected in any unit shall represent all employees in such unit for the purpose of collective bargaining concerning rates of pay, wages, hours of employment, or other conditions of employment but notwithstanding such representation any employee or employees shall have the right to confer with or present grievances to their employer.

§ 6.) Expenditures of labor dispute boards established under the provisions of this Act, upon approval of the governor, may be charged to the governor's contingent fund. The members of such boards may be reimbursed for necessary and actual expenses as are other state officers and compensation not in excess of fifteen dollars per diem may be allowed to the appointive members or to any personal representative of the governor serving on any such board for time actually devoted to duties on such board. With the consent of the governor, such boards may appoint or employ agents to supervise elections under the provisions of section 5 of this Act or to conduct investigations and may employ necessary clerical assistance. Such boards shall be represented in all legal proceedings by the attorney general who shall serve as legal advisor to any such board or designate an assistant for that purpose.

§ 7. AMENDMENT.) Section 34-0912 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

34-0912. In any strike in this state it shall be illegal for any person other than an employee of the particular establishment against which such strike is called or a local resident member of the union representing the employees of such establishment to picket in aid of such strike. Picketing in violation of the section is hereby declared to be unlawful and against the peace and dignity of the state and shall be subject to restraint by the district court of the county where such picketing occurs.

§ 8.) Sections 34-0902, 34-0903, 34-0904, 34-0905, 34-0909, 34-0910, 34-0911 and 34-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1953.

LIENS

CHAPTER 217

H. B. No. 593
(Siverson and Trydal)

REPAIRMAN'S LIENS

AN ACT

To amend and reenact sections 35-1302, 35-1303, and 35-1304 of the North Dakota Revised Code of 1943 and section 35-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to repairman's liens.

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

§ 1. AMENDMENT.) Section 35-1301 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1301. LIEN FOR REPAIRS ON PERSONALTY; WHO MAY HAVE.) Any blacksmith, machinist, farm equipment dealer, welder, garage keeper, mechanic or aviation operator, having an established place of business within this state who makes, alters, or repairs any automobile, truck, engine, threshing machine, combine, tractor, power-driven farm equipment, well machine, or aircraft at the request of the owner or legal possessor of the property shall have a lien thereon, and on any accessories and parts placed upon the same, for his reasonable charges for work done and materials furnished, until the charges are paid.

§ 2. AMENDMENT.) Section 35-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1302. LIEN STATEMENT; CONTENTS; WHEN REQUIRED; FILING.) When a person entitled to a lien under this chapter retains possession of the property made, altered, or repaired, he shall not be required to file any statement to perfect his lien, but when he shall relinquish the possession of the property so made, altered, or repaired, he, within ninety days after the materials are furnished or the labor is performed, shall file in the office of the register of deeds of the county in which the owner or legal possessor of the property resides, a verified statement in writing showing:

1. The labor performed;
2. The materials furnished;
3. The price agreed upon for the labor performed or materials furnished, or, if no price was agreed upon, the reasonable value thereof;
4. The name of the person for whom the labor was performed or to whom the materials were furnished; and
5. A description of the property upon which the lien is claimed.

Unless the person entitled to the lien shall file such statement within the time limited in this section, he shall be deemed to have waived his right to a lien.

§ 3. AMENDMENT.) Section 35-1303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1303. SEPARATE ARTICLES OF PERSONAL PROPERTY MAY BE INCLUDED IN ONE LIEN STATEMENT.) If any person entitled to a lien under this chapter makes, alters, or repairs more than one article of personal property for the same owner or legal possessor thereof, he may include all the articles of personal property so made, altered, or repaired within ninety days preceding the filing of the lien statement in the same statement, and the statement shall have the same force and effect as to each article enumerated therein as though a separate statement had been filed for each such article.

§ 4. AMENDMENT.) Section 35-1304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1304. PRIORITY OF LIEN.) A lien obtained under this chapter shall have priority over all other liens, chattel mortgages, or encumbrances against the personal property upon which the lien is secured if the lien does not exceed one hundred and fifty dollars. Any amount of the lien in excess of one hundred and fifty dollars shall be a lien upon the property subject to any prior encumbrances thereon.

Approved March 12, 1953.

LIVESTOCK

CHAPTER 218

H. B. No. 697
(Committee on Agriculture)

LICENSING OF SALES RINGS

AN ACT

To amend and reenact subsection 2 of section 36-0503 and section 36-0505 of the North Dakota Revised Code of 1943, relating to the licensing and renewal of licenses of sales rings.

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

§ 1. AMENDMENT.) Subsection 2 of section 36-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. File with the commission a statement showing that he or it is financially responsible to operate such a sales ring and that he or it owns or controls adequate facilities for the care, sorting, feeding, loading and unloading, and shipment of livestock, and have the written approval of the livestock sanitary board;

§ 2. AMENDMENT.) Section 36-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0505. EXPIRATION AND RENEWAL OF LICENSE: FEE RETURNED UPON FAILURE TO ISSUE OR RENEW LICENSE.) Each license issued under the provisions of this chapter shall expire on the thirty-first day of January next following the date of issuance thereof and shall not be renewed without the approval of the livestock sanitary board. On or before January 20 of each year the livestock sanitary board shall certify, in writing, to the public service commission the name and address of each sales ring approved by it and within five days after it approves any additional sales ring. Each license shall be renewed annually on or before January thirty-first. The fee for a renewal license shall be the same as that prescribed for an original license. If the commission does not issue a requested original license or renewal license, the fee paid shall be refunded to the applicant.

Approved March 4, 1953.

CHAPTER 219

H. B. No. 654
(Snow and Rolfsrud)

LIVESTOCK DISTRICTS; REPEAL

AN ACT

To repeal sections 36-1103 and 36-1104 of the North Dakota Revised Code of 1943, relating to establishment of stock district.

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

§ 1. REPEAL.) Sections 36-1103 and 36-1104 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved Feb. 20, 1953.

CHAPTER 220

H. B. No. 696
(Committee on Agriculture)

LEGALIZING USE OF ANY LIVESTOCK SANITARY BOARD FUNDS TO MEET OUTBREAK OF INFECTIOUS ANIMAL PLAGUES; EMERGENCY APPROPRIATIONS

AN ACT

Making it legal for the livestock sanitary board to use any of its funds in case of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other infectious animal plagues not taken care of by present appropriations and authorizing the emergency commission to appropriate necessary funds for such purposes should the emergency arise.

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

§ 1.) The livestock sanitary board is hereby authorized to use any of its moneys appropriated for control of animal diseases for the rapid arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other highly contagious or infectious animal plagues for which no present appropriation is now made, and the emergency com-

mission is hereby authorized to appropriate as much money out of the emergency fund as may be required for claims for future purchases, indemnities for affected or exposed animals ordered destroyed, or for materials contaminated by or exposed to any such disease wherever found and irrespective of ownership under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations and to pay any other necessary expenses connected with the eradication of these diseases.

Methods of appraising materials or animals destroyed shall be determined by regulations promulgated by the livestock sanitary board to meet the existing emergency but shall be controlled by the following requirement: Animals are to be appraised on meat, dairy or breeding value, but in case of appraisement based on breeding value no appraisement of any such animal shall exceed three times its meat or dairy value.

Approved March 10, 1953.

CHAPTER 221

H. B. No. 616
(Committee on Agriculture)

INCREASED PENALTY FOR VIOLATIONS OF LIVESTOCK TRANSPORTATION

AN ACT

To amend and reenact section 36-1421 of the North Dakota Revised Code of 1943 relating to the transportation of livestock and increasing the penalty for violation thereof.

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

§ 1. AMENDMENT.) Section 36-1421 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1421. PENALTY FOR VIOLATING PROVISIONS OF CHAPTER.) Any person, firm, or corporation who shall bring, convey, carry, or transport livestock into or in this state in violation of any provision of this chapter or in violation of any rule or regulation of the state livestock sanitary board, or who shall violate any provision of this chapter for which another penalty

is not provided, or who shall fail to observe any of the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days.

Approved February 16, 1953.

CHAPTER 222

H. B. No. 570
(Bubel)

ESTRAY INSPECTION; N. D. STOCKMEN'S ASSOCIATION'S
AUTHORITY

AN ACT

To amend and reenact section 36-2202 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to estray inspection.

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

§ 1. AMENDMENT.) Section 36-2202 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-2202. NORTH DAKOTA STOCKMEN'S ASSOCIATION AUTHORITY.) The North Dakota stockmen's association, a livestock association duly organized under the laws of the state of North Dakota, and duly registered as a market agency under the act of congress commonly known as the packers and stockyards act, for the better protection of the livestock industry of the state of North Dakota and for the purpose of securing uniformity of inspection and cooperation with the department of agriculture of the United States, shall make an inspection to determine ownership, of all cattle shipped or consigned from this state to any public livestock markets, including sales rings, buying stations, or packing plants within or without the state of North Dakota.

Approved February 11, 1953.

MILITARY

CHAPTER 223

S. B. No. 190
(Dewing)

MISCELLANEOUS MILITARY PROVISIONS

AN ACT

To amend and reenact subsections 5 and 6 of section 37-0101, and to create subsection 11 of section 37-0101 of the North Dakota Revised Code of 1943, to amend and reenact sections 37-0103, 37-0123, 37-0206, 37-0311, 37-0404 of the North Dakota Revised Code of 1943, and section 37-1003 of the North Dakota Revised Code of 1943 as amended by chapter 225 of the 1951 Session Laws, and to provide for and designate the adjutant general as contracting officer for the construction of armories; and to create an armory fund from the sale of lands and to repeal sections 37-0132, 37-0310 and 37-0410 of the North Dakota Revised Code of 1943, relating to military affairs, and declaring an emergency.

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

§ 1. AMENDMENT.) Subsections 5 and 6 of section 37-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0101. DEFINITIONS.)

5. "National guard" shall mean that part of the military force of this state which is organized, equipped, and federally recognized under the provisions of the National Defense Act, as amended, of the United States as the "national guard, air national guard, of the United States and the state of North Dakota." It shall include also the term "national guard of the state of North Dakota";
6. "Company" shall include a company of infantry, engineers, and signal corps, an air unit, a battery of field artillery, a troop of cavalry, or any similar organization in any branch of the military service authorized by federal law for this state, including a permanent detachment;

§ 2. AMENDMENT.) Subsection 11 of section 37-0101 of the North Dakota Revised Code of 1943 is hereby created to read as follows:

11. The term "War Department", whenever used in this title, shall include the Department of Army and the Department of Air Force.

§ 3. AMENDMENT.) Section 37-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0103. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE APPLICABLE IN STATE; REGULATIONS GOVERNING, PUNISHMENT FOR OFFENSES WHILE ON DUTY.) The articles of uniform code of military justice governing the armed forces of the United States, now or hereafter in effect, shall be a part of this title so far as the same are applicable and not modified by any provision of this title. A person who commits an offense while on duty may be tried by a court martial lawfully appointed even after such duty has terminated, and if found guilty, the accused shall be punished according to the articles of uniform code of military justice and the rules and regulations governing the armed forces of the United States and within the limits prescribed in this title and by federal law for the courts martial in the national guard. In any case in which the offense charged also is made an offense by the civil law of this state, the officer whose duty it is to approve such charge, in his discretion, may order the person charged to be turned over to the civil authorities for trial. Whenever reference is made to the articles of uniform code of military justice, to the military service, or to the armed forces of the United States, such reference shall be deemed to include the military service of this state. The intent of this title and of all laws of this state affecting the military forces is to conform to all acts and regulations of the United States affecting the same subjects, and all laws of this state shall be construed to effect this purpose.

§ 4. AMENDMENT.) Section 37-0123 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0123. CUSTOM AND USAGE OF THE ARMED FORCES OF THE UNITED STATES TO GOVERN NATIONAL GUARD.) All matters relating to the organization, discipline, and government of the national guard, not otherwise provided for in this title or in the general regulations, shall be decided by the custom and usage of the armed forces of the United States.

§ 5. AMENDMENT.) Section 37-0206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0206. STAFF OF THE GOVERNOR; WHAT CONSTITUTES.) The staff of the governor shall consist of:

1. The adjutant general who shall be the chief of staff and shall hold the rank of brigadier general, provided that in the event of an officer having a total of twenty years or more commissioned service in the armed forces he shall hold the grade of major general;
2. The assistant adjutant general who shall be assistant chief of staff;
3. The paymaster general who shall perform the duties of his office in accordance with the provisions set forth under this title.

§ 6. AMENDMENT.) Section 37-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0311. COMPILATION OF MILITARY LAW BY ADJUTANT GENERAL; DISTRIBUTION; TEXTBOOKS AND REPORTS ISSUED.) The adjutant general, when necessary, shall cause the military law, the general regulations of this state, and the articles of uniform code of military justice of the United States, to be printed, indexed, and bound in proper and compact form at the expense of the state and shall distribute one copy thereof to each unit or separate headquarters and to each commissioned officer of this state. The adjutant general shall issue to each commissioned officer and headquarters, one copy of each necessary textbook and of such annual reports concerning the militia as the governor may direct.

§ 7. AMENDMENT.) Section 37-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0404. OATH REQUIRED OF COMMISSIONED OFFICERS IN NATIONAL GUARD.) Commissioned officers of the national guard of this state shall take and subscribe, in substance, the following oath of office:

"I,....., do solemnly swear that I will support and defend the constitution of the United States and the constitution of the state of North Dakota, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the president of the United States and of the governor of the state of North Dakota; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of.....in the national guard of the state of North Dakota upon which I am about to enter, so help me God."

§ 8. AMENDMENT.) Section 37-1003 as amended by chapter 225 of the 1951 session laws is hereby amended and reenacted to read as follows:

37-1003. POWERS AND DUTIES OF ARMORY SUPERVISORS.)

§ 1.) The board of armory supervisors shall fix for each unit of the national guard the maintenance and rent allowance to be paid by this state. The board shall acquire, contract for, erect, purchase, sell, maintain, repair, and alter state-owned armories subject to the laws made and provided therefor. Such board may lease property to be used for armory purposes, but no lease shall extend for a period exceeding twenty-five years. The state board of armory supervisors, with the approval of the governor, may declare that portions of the military reservation known as Fraine Barracks are not needed for military purposes, as the facts and circumstances may reasonably warrant, and may negotiate sales thereof for civilian site purposes. Property to be sold may be subdivided and platted prior to sale at the option of the said Board. The North Dakota industrial commission may assist the said Board in the management and disposal of property to be sold under this act. Sales shall be made under the provisions of Chapter 302 of the 1951 session laws of North Dakota. All net proceeds of sales made under this act shall be placed in the state treasury in a separate fund for the construction of armories in North Dakota. Such board, with the approval of the adjutant general, is authorized to make exchange of lands, owned by the state of North Dakota and used for military purposes, with other agencies of the state, counties, municipalities or other political subdivisions, corporations or individuals; or to purchase, within funds available, parcels of land necessary for the construction of armories or the expansion of present military installations in the state of North Dakota. Such board is authorized, with the approval of the adjutant general, to lease parts of military installations to the department of defense or other agencies of the federal government. Subject to appropriations herein made by the legislature, the board is authorized to make allocations not to exceed twenty thousand dollars for a single unit armory, and not to exceed forty thousand dollars for a multiple unit armory, in collaboration with the federal funds made available under the armory construction program as provided for in Public Laws 783, 81st Congress, chapter 945, 2nd session, approved September 11, 1950; and in collaboration with funds made available by municipalities or counties wherein the armories are to be located; and provided, further, that the affected municipalities or counties make available an equal amount of money or facilities. Provided, that in instances where a city has received a direct grant from the state of North Dakota

for the construction of an armory since the year 1940 the amount of the direct grant under this provision of law shall be reduced proportionately.

§ 2.) In order that full benefit may be derived under the provisions of Public law 783, cited under this title, governing bodies of municipalities or counties may by proper resolution appoint and designate the adjutant general of the state as the contracting officer for the construction of such armories, provided that all contracts let shall be subject to the approval of the governing body concerned.

§ 3.) The adjutant general is empowered to act as the contracting officer for the state, provided that all contracts let shall be subject to the approval of the state board of armory supervisors. The adjutant general is further authorized to appoint agent officers, or a resident agent, to facilitate the proper completion of the contract.

§ 9. REPEAL.) Sections 37-0132, 37-0310 and 37-0410 of the North Dakota Revised Code of 1943 are hereby repealed.

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

Approved March 12, 1953.

CHAPTER 224

H. B. No. 582
(Nygaard and A. J. Anderson)

DISBURSEMENT OF MONEYS FOR SUPPORT AND MAINTENANCE OF SOLDIERS' HOME

AN ACT

Relating to the disbursement of moneys for the support and maintenance of the state soldiers' home.

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

§ 1.) On the first day of July in each odd numbered year, the state auditor shall pay to the treasurer of the soldiers' home fifty percent of the soldiers' home fund appropriated by the legislative assembly from the general fund of this state for

the support and maintenance of the home during the biennium beginning on that date and twenty-five percent of the soldiers' home fund on the first day of January in each even numbered year. The remaining twenty-five percent of the soldiers' home fund shall be paid to the treasurer of the soldiers' home by the state auditor on the first day of the fourth quarter of the biennium. Upon requisition by the commandant of the soldiers' home, at any time during the biennium, the state auditor shall pay to the treasurer of the soldiers' home moneys accumulated in the United States aid fund, soldiers' home, interest and income fund, soldiers' home, and institutional revolving fund, soldiers' home. All moneys received by the soldiers' home shall be disbursed by the treasurer of the soldiers' home subject to the order of the board of trustees of the home and shall be used exclusively for the benefit of the home. No payments shall be made to the treasurer of the home until he has qualified as required by the laws of this state. During the fourth quarter of the biennium, moneys which accrue during said quarter to the United States aid fund, soldiers' home, interest and income fund, soldiers' home, and institutional revolving fund, soldiers' home, and moneys which have accumulated in said funds and have not been requisitioned as above provided, shall be used for the support and maintenance of the soldiers' home as far as such funds are available and shall be supplemented, as necessity requires, by the twenty-five percent of the soldiers' home fund appropriated by the legislative assembly from the general fund of this state and paid to the treasurer of the soldiers' home on the first day of the fourth quarter of the biennium. At the end of the biennium, moneys remaining unexpended in the soldiers' home fund shall be repaid by the treasurer of the soldiers' home to the state treasurer and shall be credited to the general fund of this state.

§ 2.) At the end of each quarter of the biennium the commandant of the soldiers' home shall make a report to the state auditor, duly certified upon oath, showing the amount of money received from the soldiers' home fund, the United States aid fund, soldiers' home, interest and income fund, soldiers' home, and institutional revolving fund, soldiers' home, respectively; the amount remaining unexpended from each fund; and the estimated amount which will be required for the support and maintenance of the home during the next succeeding six month period. At the end of each month the commandant shall submit a statement of expenditures to the state auditor, duly certified upon oath, showing the amount paid to each person and firm, designating the type of service rendered and commodity purchased during the month. This monthly statement shall be audited by an auditor, appointed by the board of trustees of the soldiers' home. The state auditor shall submit the monthly

statement to the state auditing board for approval and should that board not approve the payments thereon listed or any of them, the payments herein provided to be made from the soldiers' home fund to the treasurer of the soldiers' home shall be made by the state auditor only to the extent that the said payments exceed the unapproved items, until such corrections as the state auditing board may require are effected.

Approved February 24, 1953.

CHAPTER 225

H. B. No. 782
(Toussaint)

CIVIL DEFENSE COMPACT WITH OTHER STATES

AN ACT

To amend and reenact section 1 of chapter 228 of the 1951 Session Laws, relating to civil defense.

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

§ 1. AMENDMENT.) Section 1 of chapter 228 of the 1951 session laws is hereby amended and reenacted to read as follows:

§ 1. PURPOSE; POLICY.) It is hereby found and declared that it is necessary, because of the present national emergency with which the United States of America is confronted, to provide for the creation of state and local civil defense agencies, and to confer upon the said defense agencies and upon the political subdivisions of the state, the emergency powers and the incidents thereof enumerated in this Act. It is further declared to be the purpose of this Act and the policy of the state thereby to assist and cooperate with the federal government and other states, by authorizing the state of North Dakota to enter into a compact with any other state for mutual helpfulness in meeting any civil defense emergency, including the contiguous provinces of the Dominion of Canada, in matters relating to the civil defense effort; to meet the extraordinary conditions and problems resulting in this state from the present emergency by establishing such organizations and taking such steps as are necessary and appropriate to carry out the provisions of this Act; and, generally, to defend the state, protect the public peace, health, and safety, and preserve the lives and property of the people of the state.

Approved March 10, 1953.

MINING, GAS AND OIL PRODUCTION

CHAPTER 226

S. B. No. 105
(Solberg)

NOTICE TO UNDERGROUND MINE OWNERS AND OPERATORS OF USE OF EXPLOSIVES FOR GEOPHYSICAL TESTS

AN ACT

Providing that persons making geophysical tests using explosives shall give notice to underground mine owners and operators and providing for no limitation of civil liability, providing for a penalty and declaring an emergency.

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

§ 1.) Any person who carries on any activity in this state requiring the use of explosives detonated beneath the surface of the earth shall give notice to any underground mine owner or underground mine operator, the location of whose mine is filed in the office of the state coal mine inspector, at least twenty-four hours before any such activity using explosives is carried on providing such activity is to be carried on within a one mile radius of any such underground mine.

§ 2.) Compliance with section one of this Act shall not be construed to limit civil liability that may arise as a result of such use of explosives.

§ 3.) Any person who shall fail to give the notice required in section one of this Act shall be guilty of a misdemeanor.

§ 4.) This Act 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, 1953.

CHAPTER 227

S. B. 32
(Legislative Research Committee)

CONTROL OF GAS AND OIL RESOURCES

AN ACT

To repeal chapter 38-08 of the North Dakota Revised Code of 1943 and to provide for the development, production, and utilization of natural resources of oil and gas in the state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas be had and that the correlative rights of all owners be fully protected; and to encourage and authorize cycling, re-cycling, pressure maintenance, and secondary recovery operations in order that the greatest possible economic recovery of oil and gas be obtained within the state to the end that the land owners, royalty owners, producers, and the general public realize the greatest possible good from these natural resources.

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

§ 1. REPEAL.) Chapter 38-08 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 2. DECLARATION OF POLICY.) It is hereby declared to be in the public interest to foster, to encourage, and to promote the development, production, and utilization of natural resources of oil and gas in the state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas be had and that the correlative rights of all owners be fully protected; and to encourage and to authorize cycling, re-cycling, pressure maintenance, and secondary recovery operations in order that the greatest possible economic recovery of oil and gas be obtained within the state to the end that the land owners, the royalty owners, the producers, and the general public realize and enjoy the greatest possible good from these vital natural resources.

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

1. "Waste" means and includes
 - a. Physical waste, as that term is generally understood in the oil and gas industry,

- b. The inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy,
 - c. The locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas,
 - d. The inefficient storing of oil, and
 - e. The production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand.
2. "Commission" means the industrial commission.
 3. "Person" means and includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof; the masculine gender, in referring to a person, includes the feminine and the neuter genders.
 4. "Oil" means and includes crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas.
 5. "Gas" means and includes all natural gas and all other fluid hydrocarbons not hereinabove defined as oil.
 6. "Pool" means an underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure which is completely separated from any other zone in the same structure is a pool, as that term is used in this Act.
 7. "Field" means the general area underlaid by one or more pools.
 8. "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produces therefrom either for himself or others or for himself and others.

9. "Producer" means the owner of a well or wells capable of producing oil or gas or both.
10. "Product" means any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residium, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas, whether hereinabove enumerated or not.
11. "Reasonable market demand" means the demand for oil or gas for reasonable current requirements for consumption and use within and without the state, together with such quantities as are reasonably necessary for building up or maintaining reasonable working stocks and reasonable reserves of oil or gas or product.
12. "Illegal oil" means oil which has been produced from any well within the state in excess of the quantity permitted by any rule, regulation, or order of the commission.
13. "Illegal gas" means gas which has been produced from any well within this state in excess of the quantity permitted by any rule, regulation, or order of the commission.
14. "Illegal product" means any product derived in whole or in part from illegal oil or illegal gas.
15. "Certificate of clearance" means a permit prescribed by the commission for the transportation or the delivery of oil or gas or product and issued or registered in accordance with the rule, regulation, or order requiring such permit,
16. The word "and" includes the word "or" and the use of the word "or" includes the word "and". The use of the plural includes the singular and the use of the singular includes the plural.

§ 4. WASTE PROHIBITED.) Waste of oil and gas is prohibited.

§ 5. JURISDICTION OF COMMISSION.) The commission has jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this Act. The state geologist shall act as a supervisor charged with the duty of enforcing the regulations and orders of the

commission applicable to the crude petroleum oil and natural gas resources of this state and the provisions of this chapter. The commission has authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action by the commission. The commission acting through the office of the state geologist has the authority:

1. To require:
 - a. identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas;
 - b. the making and filing of all mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling and production, and the filing free of charge of samples and core chips and of complete cores when requested in the office of the state geologist within six months after the completion or abandonment of the well;
 - c. the drilling, casing, operation, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas stratum, the pollution of fresh water supplies by oil, gas, or salt water, and to prevent blow-outs, cavings, seepages, and fires;
 - d. the furnishing of a reasonable bond with good and sufficient surety, conditioned for the performance of the duty to plug each dry or abandoned well;
 - e. that the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the commission;
 - f. the operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios;
 - g. certificates of clearance in connection with the transportation or delivery of oil, gas, or any product;
 - h. metering or other measuring of oil, gas, or product in pipe lines, gathering systems, barge terminals, loading racks, refineries, or other places; and
 - i. that every person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas in this state shall keep and maintain within this state complete and accurate records of the quan-

tities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may prescribe with respect to such oil or gas or the products thereof.

2. To regulate:
 - a. the drilling, producing, and plugging of wells, and all other operations for the production of oil or gas;
 - b. the shooting and chemical treatment of wells;
 - c. the spacing of wells;
 - d. operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations; and
 - e. disposal of salt water and oil field wastes.
3. To limit and to allocate the production of oil and gas from any field, pool, or area.
4. To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this Act.
5. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this Act.

§ 6. DRILLING PERMIT REQUIRED.) It shall be unlawful to commence operations for the drilling of a well for oil or gas without first giving to the state geologist notice of intention to drill, or without first obtaining a permit from the state geologist, under such rules and regulations as may be prescribed by the commission and paying to the commission a fee of twenty-five dollars for each such well.

§ 7. COMMISSION SHALL DETERMINE MARKET DEMAND AND REGULATE THE AMOUNT OF PRODUCTION.) The commission shall determine market demand and regulate the amount of production as follows:

1. The commission shall limit the production of oil and gas to that amount which can be produced without waste, and which does not exceed the reasonable market demand.
2. Whenever the commission limits the total amount of oil or gas which may be produced in the state, the commission shall allocate or distribute the allowable production

among the pools therein on a reasonable basis, giving, where reasonable under the circumstances to each pool with small wells of settled production, an allowable production which prevents the general premature abandonment of the wells in the pool.

3. Whenever the commission limits the total amount of oil or gas which may be produced in any pool in this state to an amount less than that amount which the pool could produce if no restriction was imposed, which limitation is imposed either incidental to, or without, a limitation of the total amount of oil or gas produced in the state, the commission shall allocate or distribute the allowable production among the several wells or producing properties in the pool on a reasonable basis, preventing or minimizing reasonable avoidable drainage, so that each property will have the opportunity to produce or to receive its just and equitable share, subject to the reasonable necessities for the prevention of waste.
4. In allocating the market demand for gas as between pools, the commission shall give due regard to the fact that gas produced from oil pools is to be regulated in a manner as will protect the reasonable use of its energy for oil production.
5. The commission shall not be required to determine the reasonable market demand applicable to any single pool, except in relation to all other pools, and in relation to the demand applicable to the state. In allocating allowables to pools, the commission may consider, but shall not be bound by, nominations of purchasers to purchase from particular fields, pools, or portions thereof. The commission shall allocate the allowable for the state in such manner as prevents undue discrimination between fields, pools, or portions thereof resulting from selective buying or nomination by purchasers.

§ 8. COMMISSION SHALL SET SPACING UNITS.) The commission shall set spacing units as follows:

1. When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the commission shall establish spacing units for a pool. Spacing units when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above mentioned, the commission is authorized to divide any pool into zones and establish spacing units for each zone, which units may differ in size and shape from those established in any other zone.

2. The size and shape of spacing units are to be such as will result in the efficient and economical development of the pool as a whole.
3. An order establishing spacing units for a pool shall specify the size and shape of each unit and the location of the permitted well thereon in accordance with a reasonably uniform spacing plan. Upon application, if the state geologist finds that a well drilled at the prescribed location would not produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, the state geologist is authorized to enter an order permitting the well to be drilled at a location other than that prescribed by such spacing order; however, the state geologist shall include in the order suitable provisions to prevent the production from the spacing unit of more than its just and equitable share of the oil and gas in the pool. Any such order of the state geologist allowing exceptions to the established spacing pattern may be appealed within a reasonable time to the commission by filing such an appeal with the commission. Upon the filing of such an appeal and after a due hearing, the commission may affirm or repeal the order of the state geologist.
4. An order establishing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the commission from time to time to include additional areas determined to be underlaid by such pool. When found necessary for the prevention of waste, or to avoid the drilling of unnecessary wells, or to protect correlative rights, an order establishing spacing units in a pool may be modified by the commission to increase the size of spacing units in the pool or any zone thereof, or to permit the drilling of additional wells on a reasonably uniform plan in the pool, or any zone thereof.

§ 9. INTEGRATION OF FRACTIONAL TRACTS.)

1. When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of the spacing unit, then the owners and royalty owners thereof may pool their interests for the development and operation of the spacing unit. In the absence of voluntary pooling the commission upon the application of any interested person, shall enter an order pooling all interests in the spacing unit for the development and operations thereof. Each such pooling order shall be made after notice and hearing, and shall be upon terms and conditions that are just and reason-

able, and that afford to the owner of each tract or interest in the spacing unit the opportunity to recover or receive, without unnecessary expense, his just and equitable share. Operations incident to the drilling of a well upon any portion of a spacing unit covered by a pooling order shall be deemed, for all purposes, the conduct of such operations upon each separately owned tract in the drilling unit by the several owners thereof. That portion of the production allocated to each tract included in a spacing unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon.

2. Each such pooling order shall make provision for the drilling and operation of a well on the spacing unit, and for the payment of the reasonable actual cost thereof by the owners of interests in the spacing unit, plus a reasonable charge for supervision. In the event of any dispute as to such costs the commission shall determine the proper costs. If one or more of the owners shall drill and operate, or pay the expenses of drilling and operating the well for the benefit of others, then, the owner or owners so drilling or operating shall, upon complying with the terms of section eleven, have a lien on the share of production from the spacing unit accruing to the interest of each of the other owners for the payment of his proportionate share of such expenses. All the oil and gas subject to the lien shall be marketed and sold and the proceeds applied in payment of the expenses secured by such lien as provided for in section eleven.

§ 10. VOLUNTARY AGREEMENTS FOR UNIT OPERATION VALID.)

An agreement for the unit or cooperative development and operation of a field or pool, in connection with the conduct of re-pressuring or pressure maintenance operations, cycling or re-cycling operations, including the extraction and separation of liquid hydrocarbons from natural gas in connection therewith, or any other method of operation, including water floods, is authorized and may be performed and shall not be held or construed to violate any of the statutes of this state relating to trusts, monopolies, or contracts and combinations in restraint of trade, if the agreement is approved by the commission as being in the public interest, protective of correlative rights, and reasonably necessary to increase ultimate recovery or to prevent waste of oil or gas. Such agreements bind only the persons who execute them, and their heirs, successors, assigns, and legal representatives.

§ 11. DEVELOPMENT AND OPERATING COSTS OF INTEGRATED

FRACTIONAL TRACTS.) A person to whom another is indebted for expenses incurred in drilling and operating a well on a drilling unit required to be formed as provided for in section nine, may, in order to secure payment of the amount due, fix a lien upon the interest of the debtor in the production from the drilling unit or the unit area, as the case may be, by filing for record, with the register of deeds of the county where the property involved, or any part thereof, is located, an affidavit setting forth the amount due and the interest of the debtor in such production. The person to whom the amount is payable may, at the expense of the debtor, store all or any part of the production upon which the lien exists until the total amount due, including reasonable storage charges, is paid or the commodity is sold at foreclosure sale and delivery is made to the purchaser. The lien may be foreclosed as provided for with respect to foreclosure of a lien on chattels.

§ 12. RULES COVERING PRACTICE BEFORE COMMISSION.)

1. The commission shall prescribe rules and regulations governing the practice and procedure before the commission.
2. No rule, regulation, or order, or amendment thereof, except in an emergency, shall be made by the commission without a public hearing upon at least ten days notice. The public hearing shall be held at such time and place as may be prescribed by the commission, and any interested person shall be entitled to be heard.
3. When an emergency requiring immediate action is found to exist, the commission is authorized to issue an emergency order without notice or hearing, which shall be effective upon promulgation. No emergency order shall remain effective for more than fifteen days.
4. Any notice required by this Act shall be given at the election of the commission either by personal service or by one publication in a newspaper of general circulation in the state capital and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated. The notice shall issue in the name of the state, shall be signed by the chairman or secretary of the commission, and shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the commission elect to give notice by personal service, such service may be made by any officer authorized to serve process, or by any agent of the commission, in the same manner as is provided by law for the service of

summons in civil actions in the courts of the state. Proof of the service by such agent shall be by the affidavit of the person making personal service.

5. All rules, regulations, and orders issued by the commission shall be in writing, shall be entered in full and indexed in books to be kept by the commission for that purpose, and shall be public records open for inspection at all times during reasonable office hours. A copy of any rule, regulation, or order certified by any member of the commission, or its secretary, under its seal, shall be received in evidence in all courts of this state with the same effect as the original.
6. The commission may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the commission, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The commission shall enter its order within thirty days after the hearing.

§ 13. COMMISSION SHALL HAVE POWER TO SUMMON WITNESSES, ADMINISTER OATHS, AND TO REQUIRE PRODUCTION OF RECORDS.)

1. The commission shall have the power to summon witnesses, to administer oaths, and to require the production of records, books, and documents for examination at any hearing or investigation conducted by it. No person shall be excused from attending and testifying, or from producing books, papers, and records before the commission or a court, or from obedience to the subpoena of the commission or a court, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; provided, that nothing herein contained shall be construed as requiring any person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before such commission or court for determination. No natural person shall be subjected to criminal prosecution or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in spite of his objection, he may be required to testify or produce evidence, documentary or otherwise, before the commission or court, or in obedience to its subpoena; provided, that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

2. In case of failure or refusal on the part of any person to comply with the subpoena issued by the commission, or in case of the refusal of any witness to testify as to any matter regarding which he may be interrogated, any court in the state, upon the application of the commission, may in term time or vacation issue an attachment for such person and compel him to comply with such subpoena, and to attend before the commission and produce such records, books, and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

§ 14. PERSON ADVERSELY AFFECTED MAY APPLY FOR REHEARING.) Any person adversely affected by any rule, regulation, or order of the commission may within thirty days after its effective date apply to the commission in writing for a rehearing. The application for rehearing shall be acted upon within fifteen days after its filing, and if granted, the rehearing shall be held without undue delay.

§ 15. PERSON ADVERSELY AFFECTED MAY APPEAL TO DISTRICT COURT; PROCEDURE OF APPEAL.)

Any person adversely affected by an order entered by the commission may appeal from such order to the district court of Burleigh County. Notice of appeal must be filed by such person with the commission within thirty days after the entry of the order complained of by the appellant, or within thirty days, following the order over-ruling the motion for rehearing or sustaining the original order in the event a motion for rehearing has been filed. The notice of appeal must identify the order and the grounds of appeal, and reasonably specify that portion of the record which the appellant desires included in the transcript upon appeal. Immediately upon the filing of the notice of appeal the commission shall certify to the appellant the estimated cost of preparing the transcript of appeal of the proceedings upon which the order complained of was entered. The amount of the estimated cost must be deposited with the commission within ten days after the mailing of the certification of the costs to the appellant. Upon the deposit of the costs the commission shall prepare and certify under its seal the transcript. The transcript shall be delivered to the appellant, or his designated attorney, within sixty days after the filing of the notice of appeal.

2. Within ninety days after the filing of the notice of appeal, the appellant must file in the district court the transcript of the proceedings before the commission, together with a petition for review which states briefly the grounds for the appeal. An appeal shall be perfected by filing the notice of appeal within the specified thirty day period. The appeal may be dismissed by the district court for failure of the appellant to make the required cost deposit or to file the transcript and petition for review within the time specified, unless for good cause shown the time is extended by order of the district court. If the district court deems the transcript insufficient, the court may dismiss the appeal or return the transcript to the appellant for proper additions, and thereafter assess such further costs against the appellant as the court in its discretion deems sufficient.
3. At the time of filing of the notice of appeal, if an application for the suspension of the order is filed, the commission shall enter an order fixing the amount of the supersedeas bond. Within ten days after the entry of an order by the commission which fixes the amount of the bond, the appellant must file with the commission a supersedeas bond in the required amount and with proper surety; upon approval of the bond, the commission shall suspend the order complained of until its final disposition upon appeal. The bond shall run in favor of the commission for the use and benefit of any person, who may suffer damage by reason of the suspension of the order in the event the same is affirmed by the district court. If the order of the commission is not superseded, it shall continue in force and effect as if no appeal was pending.
4. The district court shall, insofar as is practicable, give precedence to appeals from orders of the commission. Upon the appeal of such an order the district court shall review the proceedings before the commission as disclosed by the transcript upon appeal, and thereafter enter its judgment affirming or reversing the order appealed. Orders of the commission shall be sustained if the commission has regularly pursued its authority and its findings and conclusions are sustained by the law and by substantial and credible evidence.
5. No court other than the district court, or the supreme court upon appeal from the final judgment or order entered in the district court, shall have jurisdiction to review the rules, regulations, or orders of the commission,

or to enjoin or otherwise interfere with the commission in the exercise of the authority conferred upon it by this Act.

§ 16. ACQUISITION AND HANDLING ILLEGAL OIL AND GAS PROHIBITED; SEIZURE OF ILLEGAL OIL AND GAS AND SALE THEREOF.)

1. The sale, purchase, acquisition, transportation, refining, processing, or handling of illegal oil, illegal gas, or illegal product is hereby prohibited. However, no penalty by way of fine shall be imposed upon a person who sells, purchases, acquires, transports, refines, processes, or handles illegal oil, illegal gas, or illegal product unless
 - a. Such person knows, or is put on notice, of facts indicating that illegal oil, illegal gas, or illegal product is involved, or
 - b. Such person fails to obtain a certificate of clearance with respect to such oil, gas, or product where prescribed by order of the commission, or fails to follow any other method prescribed by an order of the commission for the identification of such oil, gas, or product.
2. Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as herein provided; seizure and sale to be in addition to any and all other remedies and penalties provided in this Act for violations relating to illegal oil, illegal gas, or illegal product. Whenever the commission believes that any oil, gas, or product is illegal, the commission acting by the attorney general, shall bring a civil action in rem in the district court of the county where such oil, gas, or product is found, to seize and sell the same, or the commission may include such an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal product in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by any such action in rem shall have the right to intervene as an interested party in such action.
3. Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be strictly in rem, and shall proceed in the name of the state as plaintiff against the illegal oil, illegal gas, or illegal products as defendant. No bond or similar undertaking shall be required of the plaintiff. Upon the filing of the petition for seizure and sale, the attorney general shall issue a summons, with a copy of the complaint attached thereto, which shall be

served in the manner provided for service in civil actions, upon any and all persons having or claiming any interest in the illegal oil, illegal gas, or illegal product described in the petition. Service shall be completed by the filing of an affidavit by the person making the service, stating the time and manner of making such service. Any person who fails to appear and answer within the period of thirty days shall be forever barred by the judgment based on such service. The posting of copies of the summons and petition as above provided shall operate to place the state in constructive possession of the oil, gas, or product described in the petition. In addition, if the court, on a properly verified petition, or affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an immediate order of seizure, describing the oil, gas, or product to be seized and directing the sheriff of the county to take such oil, gas, or product into his custody, actual or constructive, and to hold the same subject to the further order of the court. The court, in such order of seizure, may direct the sheriff to deliver the oil, gas, or product seized by him under the order to an agent appointed by the court, as the agent of the court; such agent to give bond in an amount and with such surety as the court may direct, conditioned upon his compliance with the orders of the court concerning the custody and disposition of such oil, gas, or product.

4. Any person having an interest in oil, gas, or product described in an order of seizure and contesting the right of the state to the seizure and sale thereof may, prior to the sale thereof as herein provided, obtain the release thereof, upon furnishing bond to the sheriff approved by the court, in an amount equal to one hundred fifty per cent of the market value of the oil, gas, or product to be released, and conditioned as the court may direct upon redelivery to the sheriff of such product released or upon payment to the sheriff of the market value thereof as the court may direct, if and when ordered by the court, and upon full compliance with the further orders of the court.
5. If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product, finds that such oil, gas, or product is contraband, the court shall order the sale thereof by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action, except that the court may order that the

illegal oil, illegal gas, or illegal product be sold in specified lots or portions and at specified intervals. Upon such sale, title to the oil, gas, or product sold shall vest in the purchaser free of the claims of any and all persons having any title thereto or interest therein at or prior to the seizure thereof, and the same shall be legal oil, legal gas, or legal product, as the case may be, in the hands of the purchaser.

6. All proceeds derived from the sale of illegal oil, illegal gas, or illegal product, as above provided, after payment of costs of suit and expenses incident to the sale and all amounts paid as penalties provided for by this Act shall be paid to the state treasurer and credited to the general fund.

§ 17. PENALTY.)

1. Any person who violates any provision of this Act, or any rule, regulation, or order of the commission shall be subject to a penalty of not more than one thousand dollars for each act of violation and for each day that such violation continues, unless the penalty for such violation is otherwise specifically provided for and made exclusive in this Act.
2. If any person, for the purpose of evading this Act, or any rule, regulation, or order of the commission, shall make or cause to be made any false entry or statement in a report required by this Act or by any such rule, regulation, or order, or shall make or cause to be made any false entry in any record, account, or memorandum required by this Act, or by any such rule, regulation, or order, or shall omit, or cause to be omitted, from any such record, account, or memorandum, full, true, and correct entries as required by this Act, or by any such rule, regulation, or order, or shall remove from this state or destroy, mutilate, alter or falsify any such record, account, or memorandum, such person shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five thousand dollars or imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
3. Any person knowingly aiding or abetting any other person in the violation of any provision of this Act, or any rule, regulation, or order of the commission shall be subject to the same penalty as that prescribed by this Act for the violation by such other person.

4. The penalties provided in this section shall be recoverable by suit filed by the attorney general in the name and on behalf of the commission, in the district court of the county in which the defendant resides, or in which any defendant resides, if there be more than one defendant, or in the district court of any county in which the violation occurred. The payment of any such penalty shall not operate to legalize any illegal oil, illegal gas, or illegal product involved in the violation for which the penalty is imposed, or to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation.

§ 18. ACTION TO RESTRAIN VIOLATION OR THREATENED VIOLATION.)

1. Whenever it appears that any person is violating or threatening to violate any provision of this Act, or any rule, regulation, or order of the commission, the commission shall bring suit against such person in the district court of any county where the violation occurs or is threatened, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to grant to the commission, without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary, or final orders restraining the movement or disposition of any illegal oil, illegal gas, or illegal product, any of which the court may order to be impounded or placed in the custody of an agent appointed by the court.
2. If the commission shall fail to bring suit to enjoin a violation or threatened violation of any provision of this Act, or any rule, regulation, or order of the commission, within ten days after receipt of written request to do so by any person who is or will be adversely affected by such violation, the person making such request may bring suit in his own behalf to restrain such violation or threatened violation in any court in which the commission might have brought suit. The commission shall be made a party defendant in such suit in addition to the person violating or threatening to violate a provision of this Act, or a rule, regulation, or order of the commission, and the action shall proceed and injunctive relief may be granted to the commission without bond in the same manner as if suit had been brought by the commission.

§ 19. EXISTING REGULATIONS STILL IN FORCE.) All rules, regulations or orders, made pursuant to chapter 38-08 prior to its repeal in this Act, as may be in force at the effective date of this Act shall continue in full force and effect until modified, amended or repealed by the commission.

Approved March 13, 1953.

CHAPTER 228

S. B. No. 38
(Legislative Research Committee)

OIL AND GAS LEASES ON PUBLIC LANDS VOID, WHEN
AN ACT

To amend and reenact section 6 of chapter 232 of the 1951 Session Laws of North Dakota, relating to the leasing of public lands for oil and gas exploration and production.

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

§ 1. AMENDMENT.) Section 6 of chapter 232 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

§ 6. LEASES VOID IF NOT LET AS PROVIDED HEREIN; EXCEPTIONS.) No lease of public land for exploration or development of oil and gas production shall be valid unless advertised and let as hereinbefore provided, except:

1. Where the acreage or mineral rights owned by the state or its departments and agencies or political subdivisions is less than the minimum drilling unit under well spacing regulations, non-operative oil and gas leases may be executed through private negotiation upon the same terms as provided in section five of this Act, plus a reasonable bonus payment and a sum sufficient to pay all costs involved; and
2. The state or its departments and agencies or its political subdivisions shall have power to ratify all oil and gas leases executed by the purchaser of state lands under a contract for deed or other land purchase contract. In such instances, if all taxes upon the property and contract payments are current, all bonus, delayed rental or other

lease payments under such leases shall be paid to the purchaser under the land purchase contract. Where such purchaser has delinquent payments upon the land purchase contract or where there are delinquent taxes upon the property, all delinquent payments and taxes shall be paid prior to the ratification of the oil and gas lease upon the premises.

3. All unexpired non-operative oil and gas leases heretofore executed by the state, or its departments or agencies or political subdivisions are hereby ratified.

Approved March 9, 1953.

CHAPTER 229

S. B. No. 271
(Delayed Bills Committee)

APPROVAL OF OIL AND GAS LEASES BY BANK OF NORTH DAKOTA AS AGENT FOR THE STATE TREASURER AND TRUSTEE FOR THE STATE OF NORTH DAKOTA

AN ACT

Confirming all oil and gas mining leases made and executed prior to March 13, 1951, by the Bank of North Dakota, through its manager, as agent for the state treasurer, as trustee for the State of North Dakota on lands or mineral interests acquired by the state treasurer as trustee for the State of North Dakota and declaring such leases fully effective.

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

§ 1. APPROVAL OF OIL AND GAS LEASES.) That all oil and gas mining leases made and executed prior to March 13, 1951, by the Bank of North Dakota, through its manager, as agent for the state treasurer, as trustee for the state of North Dakota on lands or mineral interests acquired by the state treasurer, as trustee for the state of North Dakota, except such leases as have been released or have expired or have been forfeited, are hereby validated, and said leases are hereby confirmed and declared to be fully effective and operative to vest in the lessees of said leases, their successors or assigns, all of the estates, rights, titles, privileges and interests therein set forth.

Approved March 14, 1953.

CHAPTER 230

S. B. No. 37
(Legislative Research Committee)

LEASE OF MINERAL OR OIL RIGHTS BY
PERSONAL REPRESENTATIVES

AN ACT

To amend and reenact section 38-1003 of the North Dakota Revised Code of 1943, relating to lease of mineral or oil rights by personal representatives.

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

§ 1. AMENDMENT.) Section 38-1003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-1003. TERM OF LEASE FOR PRODUCTION; CONDITIONS AND LIMITATIONS IN LEASE.) A lease for production made by a personal representative may be made subject to the confirmation of the county court, for a period of not more than ten years, and it may be extended thereafter as long as oil or gas is produced from such land by the lessee or his assigns or the lessee or his assigns is engaged in continuous drilling or reworking operations. Such a lease shall be made upon such terms and in consideration of such bonuses, royalties, rentals, and payments as may be agreed upon except that in no case shall the royalty be:

1. Less than equal to a one-eighth part of all oil produced and saved from the leased premises;
2. Less than equal to a one-eighth part of the gross proceeds at the prevailing market rate at the well for all gas used off the premises, when gas only is found on the leased premises; nor
3. Less than one-eighth of the gross proceeds at the prevailing market rate at the well for gas, during all times that such gas is used, when gas is produced from any oil well and used off the premises or for the manufacture of casinghead gasoline or dry commercial gas.

No lease for production shall be effective for a period of more than two years from its date unless mining or a well is commenced on such land within such time, except that the lease

may provide that the lessee may pay a delay rental in an amount that may be specified in the lease. Such payment shall operate as a rental and shall cover the privilege of deferring the commencement of mining or of a well for one year. A lease may provide for the payment of successive delay rentals which shall defer the commencement of mining or of a well for like successive periods. Any lease made by a personal representative under the authority of this section may provide for the pooling or unitization of the leased land, or any part or parts thereof, and of any mineral or royalty interest therein, with land adjoining or in the vicinity of the leased land, or any mineral or royalty interest therein, so as to form a unit for development and purpose of operation. Operations or production on any such unitized area shall have the same effect as operations or production on the leased land. The lease may provide for payment of a proportionate part of the royalties on production from any such unitized area to the personal representative in lieu of the royalties provided in the lease as to the area so unitized. A personal representative, upon compliance with the provisions of this chapter, may also enter into agreements pooling or unitizing existing leases. Upon the execution, approval, and delivery of a production lease, all persons interested in the estate shall be bound thereby during the entire period thereof.

Approved March 17, 1953.

CHAPTER 231

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

EXECUTION OF OIL AND GAS LEASES INVOLVING CONTINGENT FUTURE INTERESTS

AN ACT

To provide a method for the execution of oil and gas leases involving contingent future interests.

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

§ 1. APPOINTMENT OF TRUSTEE TO EXECUTE MINERAL LEASE WHERE CONTINGENT FUTURE INTERESTS ARE INVOLVED.) Where lands, or any estate or interest therein, are subject to any con-

tingent future interest, legal or equitable, by way of remainder, reversion, or possibility of reverter, upon the happening of a condition subsequent, or otherwise, created by deed, will, or otherwise, and whether a trust is involved or not, and it is made to appear that it will be advantageous to the present and ultimate owners of said lands or estate or interest therein, the district court of the county in which the land or a portion thereof is situated shall have the power, pending the happening of any contingency and the vesting of such future interest or interests, to declare a trust in said lands or estate or interest therein, appoint a trustee therefor, and to authorize such trustee to sell, on such terms and containing such conditions as the court may prescribe, execute and deliver a valid oil, gas, coal or other mineral lease covering said lands or estate or interest therein. Where a trust is in existence and there is a trustee serving under the trust, the trustee appointed by the court under this section shall be the same trustee or trustees as are serving under the existing trust. All proceedings shall substantially comply with that provided for the administration of trusts in chapter 59-04.

§ 2. WHO MAY INSTITUTE PROCEEDINGS.) The proceedings provided for by section one of this Act may be instituted upon the petition of any one or more of the parties who have a present interest or a contingent interest in the land or estate or interest therein.

§ 3. DISPOSITION OF INCOME AND ROYALTIES.) All bonuses, rental payments and royalties from such leases shall be paid to the trustee until the lessee is furnished with notice of the termination of the trust. Any bonuses or rental payments shall be distributed by the trustee to the life tenant or other persons entitled thereto. The trustee shall be authorized to invest royalties from such leases in such investments as may appear to be in the best interests of the life tenant and remaindermen. Income from investments shall be paid to the life tenant or other person entitled thereto.

Approved March 6, 1953.

MOTOR VEHICLES

CHAPTER 232

S. B. No. 67
(Solberg and Sandness)

HIGHWAY PATROL ENFORCEMENT OF CLOSING HOURS OF PLACES SELLING ALCOHOLIC BEVERAGES OUTSIDE MUNICIPAL LIMITS

AN ACT

To create subsection 10 of section 39-0309 of the North Dakota Revised Code of 1943, relating to powers of the highway patrol.

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

§ 1. AMENDMENT.) Subsection 10 of section 39-0309 of the North Dakota Revised Code of 1943 is hereby created to read as follows:

10. To enforce all laws, rules or regulations of the state of North Dakota pertaining to the closing hours of all business or establishments selling alcoholic beverages outside the limits of incorporated cities and villages of this state.

Approved March 13, 1953.

CHAPTER 233

S. B. No. 256

(Nordhougen, Luick, Streibel and Sayer)

HIGHWAY PATROL SUPPLIES AND EQUIPMENT;
ADVERTISEMENT FOR BIDS

AN ACT

To limit the power of the department of the state highway patrol to the purchase of supplies and equipment without first advertising for bids.

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

§ 1. CONTRACTS; BIDS.) Whenever the cost of any improvement or the purchase price of equipment or materials and supplies shall exceed the sum of one thousand dollars, the department of the state highway patrol shall proceed to advertise the same, request bids, and award such contracts in the manner provided in this act. Whenever any proposed contract or purchase of the state highway patrol shall be for a sum less than one thousand dollars, it shall be discretionary with the state highway patrol whether the same shall be awarded after advertising for bids. The department shall request bids from as many contractors, manufacturers and dealers as can be requested conveniently.

§ 2. REQUESTS FOR BIDS; HOW ADVERTISED.) Any request for bids for equipment, materials or supplies in excess of one thousand dollars including the value of any vehicle or material received in trade or exchange to apply on the purchase price shall be advertised by publication once a week for a period of two successive weeks, prior to the opening of such bids, in the official newspaper of Burleigh county, North Dakota, and in some trade publication of general circulation among the motor vehicle dealers or suppliers of this state. Such advertisement shall state with whom the bids shall be filed and the time and place where the bids shall be opened. Such place shall be the office of the state highway patrol.

§ 3. BIDS; REQUIREMENT.) All bids shall be opened at the time and place specified. Each bid shall be accompanied by a certified check of the bidder in an amount equal to ten per cent of his bid. Such check shall be forfeited to the state highway patrol fund should the bidder fail to deliver according to the bid within thirty days after a notice of an award.

§ 4. CHECKS OF THREE LOWEST BIDDERS RETAINED.) All certified bidders' checks, except those of the three lowest bidders, shall be returned to the bidders promptly upon opening such bids. The checks of the three lowest responsible bidders may be cashed and the money retained until the contract has been awarded and executed properly.

§ 5. AWARD OF CONTRACTS; BOND.) Each and every contract in excess of the sum of one thousand dollars shall be awarded by the state highway patrol to the lowest responsible bidder, but said state highway patrol may reject all bids. If no satisfactory bid or bids shall be received, new bids may be called for. The successful bidder shall be required to furnish a suitable bond in at least the amount of the contract and with such sureties as may be determined by the state highway patrol and as shall be approved by it.

Approved March 7, 1953.

CHAPTER 234

S. B. No. 58
(Legislative Research Committee)
(at the request of the State Highway Patrol)

COMPULSORY TERMINATION OF EMPLOYMENT OF MEMBERS OF HIGHWAY PATROL; RETIREMENT ALLOWANCE

AN ACT

To amend and reenact section 39-03A18 of chapter 238 of the 1951 Session Laws of North Dakota, providing prorated benefits for members of the highway patrol employed on the effective date of this Act who shall have less than twenty years of service upon reaching the mandatory retirement age.

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

§ 1. AMENDMENT.) Section 39-03A18 of chapter 238 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

39-03A18. COMPULSORY TERMINATION OF EMPLOYMENT.) Except as provided in this section, whenever any contributor shall reach the age of sixty-five years, his employment with the patrol shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall

be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03A12. If such contributor has at least twenty years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03A14. If such contributor has less than twenty years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03A17, except that a contributor who is a member of the North Dakota Highway Patrol on the effective date of this Act shall have the following options:

1. A contributor reaching the age of sixty-five with less than twenty years' service may, at his option, continue in service, if physically qualified, for a maximum of three additional years; or
2. A contributor who shall have reached compulsory retirement age with less than twenty years service and who has terminated his employment with the patrol shall be eligible for a monthly retirement equal to that portion of the retirement benefits under section 39-03A14 as his total accumulations may bear to what the accumulations would have been had he completed twenty years service at the time of his retirement.

Approved March 10, 1953.

CHAPTER 235

H. B. No. 790
(Einarson, Anderson-Ransom)

RESCINDING OF MOTOR VEHICLE REGISTRATION, WHEN
AN ACT

To amend and reenact section 39-0409 of the North Dakota Revised Code of 1943, relating to rescinding of motor vehicle registration.

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

§ 1. AMENDMENT.) Section 39-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0409. REGISTRATION RESCINDED; WHEN.) The department shall rescind and cancel the registration of a motor vehicle:

1. When the department shall determine that a vehicle is unsafe or unfit to be operated or is not equipped as required by law;
2. Whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto; or
3. Whenever a check is returned to the department because of insufficient funds, the license shall be cancelled thirty days after notification by regular mail. The renewal of the registration after that date shall be followed by the provisions given under section 39-0418 of the North Dakota Revised Code of 1943, as amended.

Approved March 14, 1953.

CHAPTER 236

S. B. No. 80

(Nordhougen, Pyle, Streibel, Duffy and Klefstad)

EXEMPTION OF CERTAIN MOTOR VEHICLE REGISTRATION FEES; AUTHORIZATION OF RECIPROCAL AGREEMENTS

AN ACT

To amend and reenact chapter 242 of the North Dakota Session Laws of 1951, relating to the exemption from registration fees of certain motor vehicles and the authorization of reciprocal agreements; and to repeal section 39-0445 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.) Chapter 242 of the North Dakota session laws of 1951 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 or by Indian mission

schools shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. 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, may be operated under reciprocity upon the highways of North Dakota subject to the following conditions and limitations:

1. Upon the condition that the exemptions provided herein, as hereinafter limited, shall be operative as to such trucks only to the extent that under the laws of such other state, district or province, like exemptions and privileges are granted to such trucks registered or licensed under the laws of North Dakota;
2. Upon condition that any such truck so operated in this state at all times shall carry and display all license number plates or like insignia required by the laws of the state, district or province in which it is registered or licensed;
3. Upon condition that if the state, district or province in which such truck is registered or licensed requires the owner of foreign trucks to register or license therein a number of trucks proportionate to the total mileage operated by all trucks of such owner within the state, district or province, as compared to the total mileage operated by all such trucks in other states, district or province, then such state, district or province shall agree and permit the owner of trucks registered and licensed in such state to register or license in the state of North Dakota a number of trucks proportionate to the number of miles such trucks travel within the state of North Dakota as compared to the total of all miles travelled by such trucks;
4. Upon condition that if the state, district or province in which such truck is registered or licensed requires such a truck registered or licensed in North Dakota to pay a mileage tax or other measured tax for operation upon the highways of such state, district or province, that such state, district or province permit North Dakota to levy an identical mileage or measured tax against such a truck registered in such other state, district or province, for operations upon the highways of North Dakota, and the motor vehicle registrar is hereby required to assess and collect such a tax upon such truck;

5. Upon condition that anyone who desires to take advantage of the reciprocity provisions of this chapter shall make application to the state highway commissioner giving the point of entry and routes of travel within the state and receive a permit which shall be furnished without cost.

§ 2.) The state highway commission may enter into reciprocal agreements not contrary to any provisions of this chapter with duly authorized officials of other states.

§ 3. Any vehicle found operating in violation of the provisions of this Act shall be required to be licensed in the same manner as are resident motor vehicles.

§ 4. REPEAL.) Section 39-0445 of the North Dakota Revised Code of 1943 is 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 11, 1953.

CHAPTER 237

H. B. No. 793
(Anderson of Ransom, Einarson)

MOTOR VEHICLE TRUCK-MILE TAX

AN ACT

To amend and reenact sections 39-0426, 39-0427, 39-0428, 39-0429, 39-04312 and 39-04341, of the North Dakota Revised Code of 1943, as amended, relating to an Act fixing the truck-mile tax, its determination, the time and method of reporting and transfer of certain powers from the public service commission to the motor vehicle registrar, and to repeal section 39-04341 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) Section 39-0426 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0426. BLANK FORMS FOR REPORTS; FURNISHED BY MOTOR VEHICLE REGISTRAR.) The motor vehicle registrar shall furnish

to the owner of the vehicles mentioned in section 39-0425 appropriate blank forms on which to report the miles which said motor vehicle travels upon the highways of this state.

§ 2. AMENDMENT.) Section 39-0427 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0427. DAILY MILEAGE REPORTS FILED WITH THE MOTOR VEHICLE REGISTRAR; VEHICLES EQUIPPED WITH MILE MEASURING DEVICE.) The owner of vehicles mentioned in section 39-0425 shall file with the motor vehicle registrar daily reports of mileage traveled in North Dakota and shall keep such other records and furnish such information as the motor vehicle registrar may require. The registrar may require that any motor vehicle coming under the provisions of this Act be equipped with an approved mechanical device to register the miles traveled by such vehicle, and such vehicle, including the mileage recording device as well as all books and records of said owner pertaining to such vehicle, shall be subject to inspection at any time by the registrar.

§ 3. AMENDMENT.) Section 39-0428 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0428. TRUCK-MILE TAX; WHEN PAID; FILING MONTHLY REPORT.) The owner of every vehicle subject to the truck-mile tax, on or before the fifteenth day of each month, shall pay to the motor vehicle registrar, truck-mile tax due and payable for the preceding month. At the time of the payment of such tax, such owner shall file with the motor vehicle registrar under oath, upon a form prescribed by the registrar a report showing the truck miles operated during the preceding month and such other information as may be required. If the vehicle was not operated over the highways of this state during such month the report should so state.

§ 4. AMENDMENT.) Section 39-0429 of the 1949 Supplement to the North Dakota Revised code of 1943 is hereby amended and reenacted to read as follows:

39-0429. TRUCK-MILE TAX; HOW DETERMINED.) The truck-mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight of not to exceed 3 tons.....1c per mile

Vehicle or combination of vehicles having an unloaded weight of 3 tons and not exceeding 4 tons.....2c per mile

Vehicle or combination of vehicles having an unloaded weight of 4 tons and not exceeding 5 tons.....3c per mile

Vehicle or combination of vehicles having an unloaded weight of 5 tons and not exceeding 6 tons.....4c per mile

Vehicle or combination of vehicles having an unloaded weight of 6 tons and not exceeding 7 tons.....5c per mile

Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons.....6c per mile

Vehicle or combination of vehicles having an unloaded weight of 8 tons and over.....7c per mile

§ 5. AMENDMENT.) Section 39-04312 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-04312. FEES COLLECTED TO BE CREDITED TO HIGHWAY CONSTRUCTION FUND.) All fees collected by the motor vehicle registrar under this Act (truck-mile tax) shall be remitted quarterly to the state treasurer and shall be credited to the highway construction fund.

§ 6. It shall be the duty of the state highway patrol to enforce the provisions of this Act.

§ 7. REPEAL.) Section 39-04341 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 12, 1953.

CHAPTER 238

H. B. No. 727

(Holand and Anderson of Ransom)

FEES FOR MOTOR VEHICLES FIRST REGISTERED IN STATE

AN ACT

To amend and reenact section 39-0440 of the North Dakota Revised Code of 1943, relating to fees for motor vehicles first registered in state.

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

§ 1. AMENDMENT.) Section 39-0440 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0440. FEES FOR MOTOR VEHICLES FIRST REGISTERED IN STATE.) When a motor vehicle first becomes subject to taxation

during the calendar year for which the tax is paid, the tax shall be for the remainder of the year prorated on a monthly basis, one-twelfth of the annual tax for each calendar month or fraction thereof. Penny adjustments shall be carried to the next quarter dollar.

Approved March 10, 1953.

CHAPTER 239

S. B. No. 79
(Nordhougen)

MOTOR VEHICLE REGISTRATION OF SCHOOL BUSESSES

AN ACT

To amend and reenact section 3 of chapter 244 of the North Dakota Session Laws of 1951, relating to registration of school busses.

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

§ 1. AMENDMENT.) Section 3 of chapter 244 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 3.) School busses used in the transportation of school children, other than those busses eligible for an official registration, shall be registered under this truck schedule at double the unloaded weight and shall not be required to pay any other annual fees.

Approved February 28, 1953.

CHAPTER 240

S. B. No. 110
(Sandness)

RELICENSING MOTOR VEHICLES WITHOUT PENALTIES BY
VETERANS ON ACTIVE DUTY OUTSIDE THE STATE

AN ACT

To allow veterans serving on active duty outside the state to relicense a motor vehicle without penalties.

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

§ 1.) Any resident of the state of North Dakota, serving in the armed forces of the United States outside the state of North Dakota for a period of time greater than one year, may relicense any motor vehicle owned by him without paying any fee for intervening years when such vehicle was not licensed nor any penalties therefor, providing such veteran shows by suitable affidavit that such vehicle was not in use during any year in which it was not licensed. Such vehicle shall be licensed for the license fee applicable to the quarter of the year in which application for license is made.

Approved February 28, 1953.

CHAPTER 241

H. B. No. 728
(Holand)

REGISTERED DEALERS USED CAR LOTS AT PLACES
REMOVED FROM THE DEALER'S PLACE OF BUSINESS

AN ACT

Allowing the establishment of used car lots at places removed from the dealer's place of business.

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

§ 1.) A registered dealer as described in section 39-0459 may establish open used car lots as may be necessary in the conduct of his business in an area not further removed than three miles from the city limits of the town in which he operates a licensed place of business.

Approved March 10, 1953.

CHAPTER 242

H. B. No. 724

(Anderson—Ransom, Einarson, Roen)

**FEEES FOR MOTOR VEHICLES ENGAGED IN THE
TRANSPORTATION OF PROPERTY; DISTINCTIVE
TAGS; EXEMPTIONS; PENALTIES****AN ACT**

To levy a fee on motor vehicles engaged in the transportation of property; providing for issuance of distinctive tags; making exemptions from the provisions of this Act; providing penalties for the violation thereof; providing for an effective date; and repealing chapter 246 of the North Dakota Session Laws of 1951.

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

§ 1. DEFINITIONS.) As used in this act:

1. "Motor vehicles" shall mean and include any motor driven truck, or combination of truck and trailer or semi-trailer, used upon any public highway of the state for the purpose of transporting property;
2. "Person" shall include an individual, firm, copartnership, corporation, company, association, and any leasee, trustee, or receiver; and
3. "Public highway" shall mean every public street, alley, road, highway, or thoroughfare of any kind used by the public.

§ 2.) There is hereby levied on motor vehicles engaged in the transportation of property, an annual fee which shall be in addition to the license fee paid under the requirements of chapter 244 of the North Dakota session laws of 1951 for the licensing of such motor vehicles. Such fees shall be due on January first of each year and shall be payable to the motor vehicle registrar and deposited with the state treasurer to the credit of the highway construction fund. The provisions of this Act shall be administered by the motor vehicle registrar, who shall have authority to promulgate rules and regulations to carry out the provisions of the Act.

§ 3.) The motor vehicle registrar shall issue distinctive tags which shall be numbered consecutively. The tags issued pursuant to this Act shall be transferable:

1. By the owner to motor vehicles which replace motor vehicles of the same registered gross weight;
2. By an owner to another owner subject to the provisions of this Act.

§ 4. FEES.) Such annual fees shall be based on the gross weight for which the motor vehicle is licensed by the motor vehicle registrar and shall be in the following amounts:

1. This Act shall not apply to motor vehicles having a registered gross weight of ten thousand pounds or less;
2. Motor vehicles licensed for a gross weight of twelve thousand pounds or more, and including twenty-four thousand pounds, three dollars for each two thousand pounds of registered gross weight;
3. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, five dollars for each two thousand pounds of registered gross weight;
4. Construction and building moving contractors, at the time of making application for a license shall specify the period of time during which such vehicles shall be in use. The motor vehicle registrar in such event shall collect only the pro rata fees as provided for in this act for such period, but it shall be the duty of the owner upon the expiration of such period to return the license plate to the motor vehicle registrar. No registration of such a vehicle, however, shall be for a period less than six months.

The minimum fee shall be ten dollars for each motor vehicle. The fee for motor vehicles placed in service after June 30th and before September 30th shall be one-half of the annual fee, after September 30th, one-fourth of the annual fee.

§ 5.) Fees shall be delinquent on February 1st after which a penalty of ten cents per day shall apply, provided the total penalty shall not exceed ten dollars.

§ 6. EXCEPTIONS.) This Act shall not apply:

1. To the transportation of property between farms and the usual local trading places or between farms locally;
2. To a farmer transporting his own livestock or commodities from his farm with his own truck to any village, market, or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, as well as the transporting of livestock or commodities from any

village, city or place where same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed;

3. To a farmer in the normal exchange of work with his neighbors; or
4. To the transportation of property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village.

§ 7.) It shall be the duty of the state highway patrol to enforce the provisions of this Act.

§ 8. PENALTY FOR VIOLATION OF PROVISIONS OF ACT.) Any person violating any of the provisions of this Act, for which another penalty is not specifically provided, is guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 9. EFFECTIVE DATE.) This Act shall take effect with the registration period for 1954.

§ 10. REPEAL.) Chapter 246 of the North Dakota session laws of 1951 is hereby repealed.

Approved March 11, 1953.

CHAPTER 243

S. B. No. 57

(Legislative Research Committee)
(at the request of the State Highway Patrol)

MOTOR VEHICLE REGISTRATION CARD TO BE CARRIED IN DRIVER'S COMPARTMENT; INSPECTION; PENALTY

AN ACT

To amend and reenact section 39-0512 of the North Dakota Revised Code of 1943, relating to registration card to be carried in the driver's compartment of vehicle; providing penalty for violation.

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

§ 1. AMENDMENT.) Section 39-0512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0512. REGISTRATION CARD TO BE CARRIED IN DRIVER'S COMPARTMENT; INSPECTION OF CARD; PENALTY.) The registration

card issued for a vehicle shall be carried in the driver's compartment of the vehicle at all times while the vehicle is being operated upon a highway in this state. Such card shall be subject to inspection by any peace officer. Any person violating any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 4, 1953.

CHAPTER 244

S. B. No. 185
(Committee on Transportation)

**DUPLICATE MOTOR VEHICLE NUMBER PLATES; TRAILER
PLATES; CERTIFICATE OR REGISTRATION CARD; FEE**

AN ACT

To amend and reenact section 39-0513 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to duplicate number plate, trailer plates, certificate or registration card for motor vehicle.

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

§ 1. AMENDMENT.) Section 39-0513 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0513. DUPLICATE NUMBER PLATE, TRAILER 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 one dollar for each duplicate certificate of title or registration card so issued. The fee for a trailer identification plate when requested by the owner thereof shall be one dollar.

Approved March 11, 1953.

CHAPTER 245

S. B. No. 171
(Torno, Morgan, Troxel)

MOTOR VEHICLE OPERATORS LICENSES FOR PERSONS
UNDER SIXTEEN YEARS OF AGE

AN ACT

To amend and reenact section 39-0605 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to issuance of motor vehicle operator's licenses to persons under sixteen years of age.

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

§ 1. AMENDMENT.) Section 39-0605 of the 1949 Supplement to 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 examining officer. No such recommendation shall be made unless such child, accompanied by his parent or guardian, shall appear in person and satisfy such officer that:

1. Such child is at least fourteen years of age;
2. Such child is 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 or regulation of the state or federal authorities relating to employment of minors.

Approved March 2, 1953.

CHAPTER 246

H. B. No. 538

(Legislative Research Committee)

(at the request of the State Highway Patrol)

RELEASE FROM ARREST FOR RECKLESS DRIVING AND DRIVING IN EXCESS OF SPEED DISCRETIONARY

AN ACT

To amend and reenact section 39-0709 of the North Dakota Revised Code of 1943, relating to the offenses of reckless driving and driving in excess of speed limitations; providing for the discretion of the arresting officer in releasing the person arrested upon promise to appear.

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

§ 1. AMENDMENT.) Section 39-0709 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0709. OFFENSES UNDER WHICH PERSON ARRESTED MAY NOT BE ENTITLED TO RELEASE UPON PROMISE TO APPEAR.) The provisions of section 39-0707 shall not apply to a person if:

1. The arresting officer shall have good reason to believe such person guilty of any felony or when such person is arrested and charged with either of the following offenses:
 - a. Causing or contributing to an accident resulting in injury or death of any person;

- b. Driving while under the influence of intoxicating liquor or a narcotic drug.
2. The arresting officer, acting within his discretion, deems it inadvisable to release such person upon his promise to appear when arrested and charged with either of the following offenses:
 - a. Reckless driving;
 - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.

The arresting officer forthwith shall take any person not released upon his promise to appear before the nearest or most accessible magistrate.

Approved March 9, 1953.

CHAPTER 247

S. B. No. 146

(Livingston, Haag, Schoeder and Page)

PERSONS UNDER INFLUENCE OF INTOXICATING LIQUOR OR
NARCOTICS NOT TO OPERATE MOTOR VEHICLE; PENALTY

AN ACT

To amend and reenact section 39-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to regulations governing operators, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 39-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted as follows:

39-0801. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE; DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR; PENALTY.) No person shall drive any vehicle upon a highway in this state if:

1. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;

2. He is under the influence of intoxicating liquor;
 - a. If in any criminal prosecution for a violation of this subsection, there was at the time alleged as shown by chemical analysis of his breath, urine or other bodily substance, said breath analysis to be made by use of the "Drunkometer" or other similar device approved by the American medical association and national safety council;
 - (1) Five hundredths percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
 - (2) Fifteen hundredths percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
 - (3) In excess of five hundredths percent but less than fifteen hundredths percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
 - b. The provisions of subdivision a of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor. No defendant shall be required to submit to any chemical test without his consent.

Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Upon a second or subsequent offense, such person shall be punished by imprisonment for not less than ninety days nor more than one year, and in the discretion of the court, a fine or not more than one thousand dollars.

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

Approved February 28, 1953.

CHAPTER 248

H. B. No. 703

(Lindberg of Stutsman and Sticka)

EXCEPTIONS TO RIGHT-OF-WAY RULES UPON APPROACH OF
AMBULANCES, POLICE OR FIRE DEPARTMENT VEHICLES

AN ACT

To amend and reenact section 39-1018 and section 39-1019 of the North Dakota Revised Code of 1943, relating to exceptions to right-of-way rules and the duty of drivers of vehicles upon approach of ambulances on emergency call, police or fire department vehicles.

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

§ 1. AMENDMENT.) Section 39-1018 and section 39-1019 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

39-1018. EXCEPTIONS TO RIGHT-OF-WAY RULES.) The following shall be exceptions to the right-of-way rules:

1. The driver of a vehicle entering a public highway from a private road or drive shall yield the right-of-way to all vehicles approaching on such public highway; and
2. The driver of a vehicle upon a highway shall yield the right-of-way to ambulances answering an emergency call and to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound an audible signal by bell, siren, or exhaust whistle. This provision shall not operate to relieve the driver of an ambulance, police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

39-1019. DUTY OF DRIVERS OF VEHICLES UPON APPROACH OF AMBULANCE, POLICE OR FIRE DEPARTMENT VEHICLE.) Upon the approach of any ambulance, police or fire department vehicle giving an audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle immediately shall drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways and shall stop and remain in such position unless other-

wise directed by a police or traffic officer until the ambulance, police or fire department vehicle shall have passed.

Approved February 27, 1953.

CHAPTER 249

H. B. No. 684

(Wolf of McIntosh, A. J. Christopher, Anderson of)

(Eddy-Foster and Haugland)

REQUIRING SAFETY GLASS IN MOTOR VEHICLES; PENALTY

AN ACT

Requiring safety glass in motor vehicles and providing a penalty.

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

§ 1.) On and after July 1, 1953, it shall be unlawful to register in this state any new motor vehicle manufactured on or after July 1, 1953, unless it is equipped with safety glass or safety glazing material in all doors, windows, and windshields.

§ 2.) For the purpose of this act, the term "safety glass or safety glazing material" shall mean glass or glazing materials so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons when struck or broken.

§ 3.) On and after July 1, 1953, no glass or glazing material shall be installed in any motor vehicle registered in this state unless it complies with the above definition.

§ 4.) Violation of section 1 of this Act shall result in suspension of the license to operate the vehicle until the defect is corrected. Any person found guilty of violating section 3 of this act shall be subject to a fine of twenty-five dollars (\$25.00) or sentenced to ten (10) days in jail or both.

§ 5.) All acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 27, 1953.

CHAPTER 250

S. B. No. 188
(Torno)
(By request)

WIDTH, HEIGHT AND LENGTH LIMITATIONS OF
MOTOR VEHICLES

AN ACT

To amend and reenact subsection 1 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, relating to width, height, and length limitations of motor vehicles.

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

§ 1. AMENDMENT.) Subsection 1 of section 39-1204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, which moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset; nor shall such limitation apply to farmers or ranchers or employees under their supervision when moving hay in the stack for his or their own use or in cooperation with other owners, providing that equipment used for this purpose shall be operated along the extreme right edge of the road or highway, and shall be operated only between the hours of sunrise and sunset and in accordance with reasonable rules and regulations prescribed by the state highway commissioner.

Approved March 5, 1953.

CHAPTER 251

S. B. No. 112
(Streibel)

PENALTIES FOR VIOLATING WIDTH, HEIGHT, LENGTH
AND LOAD LIMITATIONS

AN ACT

To amend and reenact section 39-1208 of the North Dakota Revised Code of 1943, relating to penalties for violation of width, height, length and load limitations.

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

§ 1. AMENDMENT.) Section 39-1208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1208. PENALTY FOR VIOLATING WIDTH, HEIGHT, LENGTH AND LOAD LIMITATIONS.) Any person violating the provisions of sections 39-1204, 39-1206 or 39-1207 is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or both such fine and imprisonment, except that a five percent length tolerance, applicable only to the length limitations of subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, shall be lawful. Any person who shall drive or move, or any owner who shall cause or knowingly permit to be driven or moved, on any highway, any vehicle or vehicles of a weight exceeding the limitations stated in section 39-1205 of the North Dakota Revised Code of 1943 as amended, shall be guilty of a misdemeanor and shall be punished as follows:

1. A fine of one cent per pound for each pound of excess load over one thousand pounds when the excess is two thousand pounds or less;
2. A fine of two cents per pound for each pound of excess load when the excess exceeds two thousand pounds and is three thousand pounds or less;
3. A fine of four cents per pound for each pound of excess load when the excess exceeds three thousand pounds and is four thousand pounds or less;
4. A fine of six cents per pound for each pound of excess

load when the excess exceeds four thousand pounds and is five thousand pounds or less; and

5. A fine of ten cents per pound for each pound of excess load when the excess exceeds five thousand pounds or more.

Such fines as are imposed under this section for violation of section 39-1205 are mandatory and shall not be suspended.

Approved March 12, 1953.

CHAPTER 252

S. B. No. 201
(Nordhougen)

(at the request of Attorney General)

APPEARANCE BY ATTORNEY GENERAL; SPECIAL COUNSEL;
WHEN JUDGMENT FINAL; UNSATISFIED JUDGMENT FUND

AN ACT

Relating to the unsatisfied judgment fund, empowering attorney general to appoint special counsel, specifying time when judgment becomes final, amending and reenacting section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 259 of the North Dakota Laws of 1951; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 37-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 259 of the session laws of 1951 is hereby amended and reenacted to read as follows:

39-1704. ATTORNEY GENERAL MAY APPEAR.) The provisions of section 39-1703 shall not apply in the case of any judgment entered by default, unless the state highway commissioner and the attorney general have been given at least thirty days notice prior to the entry of such judgment, to which notice shall be attached a copy of the summons and complaint. Upon receipt of such notice, the attorney general may enter an appearance, file a defense, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on be-

half and in the name of the defendant, conduct his defense, and all acts done in accordance therewith shall be deemed to be acts of the defendant. The attorney general may appear and be heard on any application for payment from the fund and may show cause, if any there be, why the order applied for should not be made.

§ 2. EMPOWERING ATTORNEY GENERAL TO APPOINT SPECIAL COUNSEL.) The attorney general at his discretion may appoint special counsel to defend the fund. The trial judge of the district court shall fix the amount of such special attorney's fees and expenditures, and certify such amount, to the attorney general who, after approving, shall certify same to the administrator of the unsatisfied judgment fund. In the event the state's attorney of the county in which the case is to be tried is not disqualified to appear and defend the unsatisfied judgment fund, then the attorney general shall appoint such state's attorney to defend the fund, and in such case, the state's attorney shall receive no fees for his services rendered therein.

§ 3. TIME WHEN JUDGMENT BECOMES FINAL.) Unless the defendant causing the damage or the unsatisfied judgment fund serves notice of intention to either move for a new trial, or appeal to the supreme court within thirty days after notice of entry of judgment is served, such judgment shall thereby be deemed final, under the provisions of the unsatisfied judgment fund Act. Provided, however, that this section does not limit the time to move for a new trial, nor to appeal to the supreme court.

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

Approved March 16, 1953.

MUNICIPAL GOVERNMENT

CHAPTER 253

H. B. No. 563

(Legislative Research Committee)

AGREEMENTS BETWEEN MUNICIPALITIES AND COUNTIES FOR STREET CONSTRUCTION AND MAINTENANCE

AN ACT

Providing for agreements between municipalities and counties for street construction and maintenance within municipalities of 10,000 population or less.

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

§ 1. AGREEMENTS BETWEEN MUNICIPALITIES AND COUNTIES; CONSTRUCTION; MAINTENANCE.) The governing body of any municipality of 10,000 population or less and the boards of county commissioners of the several counties may enter into agreements for the construction and maintenance of streets within such municipalities by the boards of county commissioners. Said municipalities shall pay, on a reimbursable basis, such sums as are agreed upon.

Approved March 5, 1953.

CHAPTER 254

S. B. No. 131

(Krenz)

REMOVAL OF BUILDING WHEN TAXES, SPECIAL ASSESS- MENTS OR SHARE OF BONDED INDEBTEDNESS DUE; LIEN; MISDEMEANOR

AN ACT

To amend and reenact section 40-0108 of the North Dakota Revised Code of 1943, relating to removal of building when taxes and special assessments or share of bonded indebtedness due, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted as follows:

40-0108. REMOVAL OF BUILDING WHEN TAXES AND SPECIAL ASSESSMENTS OR SHARE OF BONDED INDEBTEDNESS ARE DUE; LIEN; MISDEMEANOR.) No person shall remove from any lot or tract of land in any municipality any building not assessed as personalty and not exempt from taxation until after the taxes and special assessments then due have been paid, nor until the owner shall have paid into the sinking fund for the retirement of any bonded indebtedness of the municipality an amount equal to the just share of the tax which would then be required against the property in said municipality to pay the principal outstanding, less amount in sinking funds, of the bonded indebtedness of such municipality. If the building is removed without the payment of the taxes and special assessments and pro-rata share of bonded indebtedness, such taxes, special assessments and pro rata share of bonded indebtedness shall be a lien on the building notwithstanding its removal as well as upon the lot, lots, tract, or tracts of land from which the same was removed. This section shall not apply where a building is removed to permit the erection or installation of improvements equal or greater in value than the building removed. Any person violating the provisions of this section is guilty of a misdemeanor.

§ 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, 1953.

CHAPTER 255

H. B. No. 617
(Lynch)
(By request)

REGISTRATION OF VOTERS

AN ACT

To amend and reenact section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 264 of the 1951 Session Laws of North Dakota, relating to registration of voters.

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

§ 1. **AMENDMENT.)** Section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended by

chapter 264 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

40-2110. REGISTRATION OF VOTERS.) The governing body of any city or village may require the registration of voters in any election held or conducted within the municipality at such time and place or places as the governing body may designate.

Approved March 10, 1953.

CHAPTER 256

H. B. No. 704

(Lindberg of Stutsman, and Arndt)

PREVENTION OF WATER POLLUTION

AN ACT

To amend and reenact sections 40-2204 and 61-0221 of the North Dakota Revised Code of 1943, relating to the prevention of water pollution; authorizing disposal or discharge of sewage and waste products, and providing for regulation of sewage and waste disposal systems and municipal water works.

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

§ 1. AMENDMENT.) Section 40-2204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2204. DISCHARGE OF SEWAGE; REGULATIONS GOVERNING.) Any municipality, after securing the approval of the state water commission and the state department of health as required by section 61-0221, may empty or discharge its sewage into any river, lake, coulee, or slough, employing such methods as may be required by the rules and regulations established by the state water commission and the state department of health for the prevention of pollution.

§ 2. AMENDMENT.) Section 61-0221 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0221. SEWAGE AND WASTE DISPOSAL OR DISCHARGE; WATER SUPPLY PLANT; APPROVAL OF COMMISSION REQUIRED.) No plant or facility for the disposal or discharge of municipal or industrial sewage or waste substances or works for the water supply of any municipality shall be constructed without the

prior approval of the commission, which shall be granted only upon the approval of the state department of health. No such plant, facility, or works shall be operated or maintained except in accordance with the rules and regulations established by the commission for the prevention of water pollution.

Approved March 5, 1953.

CHAPTER 257

S. B. No. 169
(Morgan and Johnson)

REFUNDING SPECIAL IMPROVEMENT WARRANTS

AN ACT

To amend and reenact section 40-2708 of the North Dakota Revised Code of 1943, relating to the content, maturities, redemption provisions and interest rates of refunding special improvement warrants, to extend the permissible maturity thereof to twenty-five years, to fix the maximum interest costs thereon, and to prescribe the titles of which such warrants may be designated, and declaring an emergency.

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

§ 1. AMENDMENT.) That section 40-2708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2708. CONTENTS OF REFUNDING WARRANTS; REDEMPTION; INTEREST.) The refunding warrants shall bear such date, be in such denominations, and mature at such time or times, not exceeding twenty-five years from date of issue, as the governing body shall determine. Such warrants may be made subject to redemption at any specified time or times if it is so provided in the initial resolution. The average annual net rate of interest upon such warrants shall not exceed the rate of interest on warrants to be refunded thereby. Refunding warrants issued pursuant to this chapter may be designated as "refunding improvement warrants" or "refunding improvement bonds" as the governing body shall determine; provided that nothing herein shall be deemed to subject such warrants to the provisions of chapter 21-03 of the North Dakota Revised Code of 1943 with reference to general obligation bonds of the municipality.

§ 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 13, 1953.

CHAPTER 258

S. B. No. 147
(Foss and Thomas)

TAX LEVY FOR POLICEMEN'S PENSION FUND; LIMITATIONS

AN ACT

To amend and reenact sections 40-4501, 40-4502, 40-4508, 40-4513, 40-4516, and 40-4521 of the North Dakota Revised Code of 1943 relating to police pension in cities, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-4501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4501. TAX LEVY FOR POLICEMEN'S PENSION FUND AUTHORIZED; LIMITATIONS.) In addition to any other levies authorized by law for general purposes, any city having a population in excess of five thousand inhabitants according to the last official federal or state census and having an organized and paid police department may levy an annual tax of not more than one-half of one mill for the purpose of creating a policemen's pension fund.

§ 2. AMENDMENT.) Section 40-4502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4502. TAX LEVY FOR PENSION FUND WHERE RETIREMENT SYSTEM BASED UPON ACTUARIAL TABLES IS MAINTAINED.) Any city having established by law a police retirement system based upon actuarial tables may levy for the police pension fund, in addition to any other levies authorized by law for general purposes, a total tax of not more than three quarters of one mill.

§ 3. AMENDMENT.) Section 40-4508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4508. MEMBERSHIP FEES AND ASSESSMENTS.) Every member of the police department shall pay to the treasurer of the pension fund a membership fee to be fixed by the board of trustees in an amount not exceeding five dollars. Each member shall be assessed and required to pay annually an amount equal to three percent per annum upon the amount of the annual salary paid to him. Such assessment shall be deducted and retained in equal monthly installments out of such salary. No assessments shall be made of any member after he has been employed for a period of 22 years.

§ 4. AMENDMENT.) Section 40-4513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4513. PAYMENTS TO WIDOW, CHILDREN, AND SURVIVING PARENTS UPON DEATH OF ACTIVE OR RETIRED MEMBER.) Upon the death of any active or retired member of the police department of a city maintaining a policemen's pension fund under this chapter, leaving a widow or minor children or dependent father or mother surviving him, there shall be paid out of the fund subject to the restrictions contained in section 40-4514, as follows:

1. To the surviving widow, as long as she remains unmarried and of good moral character, a sum not less than forty dollars per month and not more than seventy-five dollars per month;
2. If there is no surviving widow, or upon the death or remarriage of the widow, then to his dependent father or mother, if both survive, or to either dependent parent if one survives, the sum of forty dollars per month;
3. To the guardian of each surviving child under eighteen years of age, a sum not less than ten dollars per month and not more than twenty dollars per month.

The aggregate of all such payments shall not exceed sixty percent of the amount of the salary of the member at the time of his death or retirement.

§ 5. AMENDMENT.) Section 40-4516 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4516. REDUCTION OF BENEFITS BY CITY HAVING POLICE RETIREMENT SYSTEM BASED UPON ACTUARIAL TABLES.) If the

three quarter mill levy provided for in section 40-4502, together with contributions from beneficiaries and funds received from other sources as provided in this chapter, shall be inadequate or insufficient to establish a retirement system based upon actuarial tables, the governing body, in order to establish such system upon an actuarial basis, may:

1. Decrease the benefits provided for in this chapter;
2. Extend the age at which retirement shall commence;
3. Increase the amount of the contributions from beneficiaries;
4. Limit the classes of beneficiaries; and
5. Restrict the benefits payable to beneficiaries who may not have served twenty-two years in the police department at the time of retirement.

§ 6. AMENDMENT.) Section 40-4521 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4521. POLICEMEN ENTITLED TO REFUND FROM FUND UPON TERMINATION OF EMPLOYMENT WITH CITY.) Any employee of a police department who shall have been in the service of the department for a period of two years, and shall have contributed to the policemen's pension fund, and who voluntarily and while in good standing as a member of such police force leaves the employment of the city, shall be entitled upon application at the time of such termination, to a refund of all contributions made by him except fifty percent of the contributions made by him for the first two years of his service.

§ 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 6, 1953.

CHAPTER 259

H. B. No. 794
(Saumur and Trydahl)

CITY EMPLOYEE'S PENSIONS

AN ACT

To amend and reenact section 40-4602 of the 1949 Supplement to the Revised Code of 1943, and sections 40-4604, 40-4609, 40-4613, 40-4615 and 40-4620 of the Revised Code of 1943, relative to city employee's pensions.

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

§ 1. AMENDMENT.) Section 40-4602 of the 1949 Supplement to the Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4602. TAX LEVY FOR CITY EMPLOYEE'S 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 two mills for the purpose of creating and maintaining a city employees' pension fund.

§ 2. AMENDMENT.) Section 40-4604 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4604. MEMBERSHIP FEES AND ASSESSMENTS.) Every full time city employee shall pay to the treasurer of the pension fund a membership fee to be fixed by the board of trustees in an amount not exceeding five dollars. Each member shall be assessed and required to pay annually an amount not less than two percent nor more than four percent, to be determined by the board of trustees, upon the amount of the annual salary paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments.

§ 3. AMENDMENT.) Section 40-4609 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4609. WHO MAY BE RETIRED ON PENSION; AMOUNT PAID TO RETIRING EMPLOYEE.) Any appointed full time employee of a city having an employees' pension fund, who shall have served two hundred forty months or more, whether or not consecu-

tive, as an employee and shall have reached the age of sixty years, or who, while employed by such city, shall suffer permanent mental or physical disability so that he is unable to discharge his duties, shall be entitled to be retired. Upon retirement, he shall be paid out of the pension fund of such city a monthly pension of not to exceed sixty percent of the amount of the average salary received by him monthly during the most recent two hundred forty months of his employment as provided for in the plan adopted by the governing body of the city, but such pension shall not exceed the sum of one hundred fifty dollars per month. If any member shall have served two hundred forty months in such city employment but shall not have reached the age of sixty years, he shall be entitled to retirement, but no pension shall be paid while he lives until he reaches the age of sixty years.

§ 4. AMENDMENT.) Section 40-4613 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4613. PAYMENTS TO WIDOW, SURVIVING HUSBAND, CHILDREN, AND SURVIVING PARENTS UPON DEATH OF ACTIVE OR RETIRED MEMBER.) Upon the death of any active or retired employee of a city maintaining an employees' pension fund under this chapter, leaving a widow or dependent husband or minor child, or dependent father or mother surviving him or her, there shall be paid out of the fund, subject to the restrictions contained in section 40-4610, as follows:

1. To the surviving widow or husband as long as he or she remains unmarried and of good moral character, a sum equal to two-thirds of the pension to which the employees would have been entitled under the provisions of sections 40-4609 and 40-4610, not less, however, than forty dollars per month;
2. If there is no surviving widow or husband, or if such widow or husband shall die or remarry, then to the dependent father and mother, if both survive, or to either dependent parent if one survives, the sum of forty dollars per month;
3. To the father or mother of each surviving child, if such parent survives, for the benefit of such surviving child, until he or she shall arrive at the age of sixteen years, the sum of ten dollars per month, and in case no parent of any such surviving child survives, then to the guardian of each surviving child the sum of ten dollars per month until he or she shall arrive at the age of sixteen years. The aggregate of all such payments shall not exceed the amount provided for in the plan and in no

event more than sixty percent of the amount of the average salary of such employee during the most recent two hundred forty months of his employment, if he was employed that long, and if not, during the total period of his employment, or the maximum amount provided for in this chapter.

§ 5. AMENDMENT.) Section 40-4615 of the Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4615. EMPLOYEES OF CITY RETIRE UPON REQUEST OF EXECUTIVE OFFICER.) Any employee of the city who has reached the retirement age or who is unfit, physically or mentally, to continue in the service of the city, upon the request of the executive officer of the city, shall retire from active service, and, if he shall have been employed by the city for periods totalling one hundred twenty months or longer, the board of trustees shall make provision for the payment of a pension, such pension to be in a sum equal to the proportion of a full pension as herein provided which the total number of months employed by the city bears to two hundred forty months.

§ 6. AMENDMENT.) Section 40-4620 of the Revised Code of 1943, is hereby amended and reenacted to read as follows:

40-4620. EMPLOYEE ENTITLED TO REFUND FROM FUND UPON TERMINATION OF EMPLOYMENT WITH CITY.) Any employee who shall have been in the service of the city for a period of twelve months, whether or not consecutive, and who shall have contributed, for such period, into the employees' pension fund and who voluntarily and while in good standing as an employee of said city shall have left the employment of such city, shall be entitled, upon application at the time of such retirement, to a refund of fifty percent of the amount contributed by him.

Approved March 18, 1953.

CHAPTER 260

H. B. No. 788
(Saumur and Trydal)

PROCEDURE FOR PROTEST AGAINST CHANGES IN
ZONING REGULATIONS

AN ACT

To amend and reenact section 40-4705 of the North Dakota Revised Code of 1943, relating to amendments to zoning regulations.

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

§ 1. AMENDMENT.) Section 40-4705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4705. AMENDMENTS TO OR REPEALS OF ZONING REGULATIONS; PROTEST; REQUIRED VOTE FOR PASSAGE; REGULATIONS GOVERNING.) Regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed from time to time. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty percent or more:

1. Of the area of the lots included in such proposed change;
or
2. Of the area adjacent extending one hundred and fifty feet measured at right angles from points in the area to be changed, excluding the width of streets;

the amendment shall not become effective except by the favorable vote of three-fourths of all the members of the governing body of the city. The provision of section 40-4704 relating to public hearings and official notice shall apply equally to all changes or amendments provided in this section, provided that protests in writing must be filed with the city auditor prior to the time set for the hearing.

Approved March 14, 1953.

CHAPTER 261

S. B. No. 174
(Pyle and Duffy)

REVIEW BOARD FOR QUESTIONS OF ANNEXATION
OF TERRITORY WITHIN CITY LIMITS

AN ACT

To amend and reenact section 3 of chapter 271 of the 1951 Session Laws of North Dakota, relating to inclusion of territory within city limits.

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

§ 1. AMENDMENT.) Section 3 of chapter 271 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

§ 3. REVIEW BOARD.) If the petition of protest so filed contains the names of three-fourths of the property owners as above provided, the question of whether or not property in any organized township shall be annexed shall be submitted to a review board which shall consist of the chief executive officer of the city, the state's attorney of the county in which the city is situated, and the members of the board of township supervisors of the township for determination. If territory proposed to be annexed is located in an unorganized township, the question of annexation shall similarly be submitted to a review board consisting of the chief executive officer of the city, the state's attorney of the county, and the members of the board of county commissioners.

Approved March 12, 1953.

CHAPTER 262

S. B. No. 261
(Day)

GRAVEL SURFACING OF CITY STREETS

AN ACT

To amend and reenact sections 40-5401, 40-5410 and 40-5411 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to gravel surfacing city streets.

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

§ 1. AMENDMENT.) Section 40-5401 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5401. BIDS: ADVERTISING; REQUIREMENTS.) On or before the 15th day of March in each year, the city auditor of each city within the state may at the discretion of the governing board advertise in the official newspaper once each week for two consecutive weeks for bids for the furnishing of gravel in place for gravel surfacing of highways within the city, upon a cubic yard basis. The bids shall be made in accordance with such specifications as to type, grade and quality of material as shall be specified by the city engineer and approved by the governing board, and shall provide for the delivery of such gravel along such streets of the city as may thereafter be designated, in such manner as may be designated in the specifications. The notice shall specify that payment for such gravel in cash or by special assessment warrants issued against the Graveling Special Assessment Fund created by this Act (chapter), and each bidder shall specify in his bid the lowest rate of interest which he will accept upon such warrants, and that payment for such gravel will be accepted by him in the manner herein provided. Each bid shall be accompanied by a certified check in such amount as may be fixed by the governing board, and the award of the contract shall be made only to such person who shall furnish good and sufficient bond for the performance thereof, in such amount as shall be fixed by the governing board at the time of calling for bids.

§ 2. AMENDMENT.) Section 40-5410 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5410. GRAVEL ASSESSMENT WARRANTS; HOW PAID; INTEREST; CONTENTS.) All gravel assessment warrants shall be pay-

able as specified and in such amounts as in the judgment of the governing body will be provided by such special assessments. Such shall bear interest at the rate of not more than six per cent per annum, and interest shall be payable annually. They may have coupons attached representing each year's interest. The warrants shall state on their face the purpose for which they were issued, and from what fund they are payable, and shall be signed by the executive officer and countersigned by the city auditor under the seal of the municipality, and shall be in denominations of not to exceed one thousand dollars (\$1,000.00) each. Such warrants shall be used in making payment on the contract for the furnishing of gravel, or may be sold for cash at not less than par value thereof, and the proceeds credited to the special fund and used to pay for such gravel project.

§ 3. AMENDMENT.) Section 40-5411 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5411. WARRANTS PAYABLE FROM SPECIAL GRAVELING FUND.) The treasurer of the municipality shall pay such special gravel assessment warrants and interest coupons as they mature and are presented for payment out of the graveling special fund, and shall cancel the same when paid, and the provisions of section 40-2608 of the 1949 Supplement to the Compiled Laws of 1943 shall apply in the case of deficiencies in such fund.

Approved March 16, 1953.

CHAPTER 263

H. B. No. 660
(Fitch)

RESIDENTIAL PAVING PROJECTS; STANDARDS; COSTS

AN ACT

To amend and reenact sections 40-5602 and 40-5603 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to residential paving projects; providing for the establishment of standards of residential paving and for apportionment of paving costs, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-5602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5602. ESTABLISHMENT OF STANDARDS OF PAVING.) The governing body of any city may, by ordinance, establish standards of paving for residential areas which standards shall be uniform throughout the entire city, and said ordinance may be amended or repealed in the same manner as other ordinances of the city.

§ 2. AMENDMENT.) Section 40-5603 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5603. CITY MAY PAY PORTION OF COST.) When any city has, by ordinance, established standards of paving for residential areas, the city as a whole, by action of its governing body, may pay not to exceed twenty percent of the cost of the paving, and if because of heavy traffic upon such street or for other valid reason, the governing board determines that the established standards should be exceeded in any portion of a residential paving project such percentage of the excess cost of paving as may be determined by action of the governing body shall be borne by the city as a whole.

§ 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 17, 1953.

OCCUPATIONS AND PROFESSIONS

CHAPTER 264

H. B. No. 685
(Levin and McLellan)

ABSTRACTERS

AN ACT

To amend and reenact sections 43-0109, 43-0110, 43-0111, 43-0112, 43-0114, 43-0115, 43-0116, 43-0117, (43-0118) of the North Dakota Revised Code of 1943 as amended by chapter 285, House Bill No. 155 of the 1949 Session Laws of the State of North Dakota; and section 43-0121 of the North Dakota Revised Code of 1943 relating to abstracters.

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

§ 1. AMENDMENT.) Section 43-0109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0109. REQUIREMENTS OF ABTRACTER OF TITLE; RECORDS, CERTIFICATE OF REGISTRATION BOND OR LIABILITY POLICY.) Before any person, firm, or corporation may engage in the business of making and compiling abstracts of title to real estate within this state, he or it shall:

1. Have for use in such business a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which he or it is engaged in business, or shall have been engaged in good faith in the preparation of such books or records for not less than six months;
2. Obtain a certificate of authority as is required by this chapter;
3. File the bond or abstracter's liability policy required under section 43-0111; and
4. Have in charge of such business a registered abstracter, as defined by this chapter.

§ 2. AMENDMENT.) Section 43-0110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0110. CERTIFICATE OF REGISTRATION; APPLICATION; EXAMINATION; FEE.) Any person, firm, or corporation desiring to obtain a certificate of authority under the provisions of section 43-0109 subs. No. 2 shall make application therefor to the board and shall pay to the secretary-treasurer thereof an examination fee of twenty-five dollars. The application shall be upon a form prepared by the board and shall contain such information as may be desired by it. The board shall fix the date and place for the examination of the applicant and shall give him notice thereof by mail. The applicant shall present himself at the time and place specified in the notice, and the board shall examine him under such rules and regulations as it may prescribe. If the application is made by a firm or corporation, one of the members or officers thereof shall take the examination.

1. Registered abstracters, within the meaning of the act, shall comprise all persons who shall, upon the passage of this act, be in charge, either individually or jointly with other persons, of the abstract office which is the holder of a valid and subsisting certificate of authority as provided by this chapter and who shall obtain a certificate of registration as hereinafter provided, or persons who shall be granted certificates of registration by the said abstracter's board of examiners after passage of this act.
2. Any person desiring to obtain a certificate of registration under this act shall make application to said abstracters' board of examiners therefor and shall pay to the secretary-treasurer of said board an examination fee of twenty-five dollars except as hereinafter provided. Such application shall be upon a form to be prepared by said board and to contain such information as may be desired by it. Thereupon said board shall fix a date and place for the examination of such applicant, of which notice shall be given to applicant by mail, who shall present himself at such meeting; whereupon said board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said board prescribed.
3. Any person, who, upon the effective date of this act, is in charge, either individually or jointly with other persons, of an abstract office which is the holder of a valid and subsisting certificate of authority provided by, section 43-0109, subs. No. 2, and who shall make application to the abstracters' board of examiners prior to the expiration of said certificate of authority shall upon the payment of a fee of five dollars, be issued a certificate of registration, without examination, under such rules as may be provided by said board.

4. The certificate of registration issued by said board under the provisions hereof shall recite, among other things, that the holder thereof has complied with the provisions of this act relating to examination or otherwise, and shall entitle the holder of such certificate of registration to take charge of any abstract office in any county in this state holding a certificate of authority, under the provisions of this Act. Certificates of registration shall be issued upon the payment of a five dollar fee and shall be valid for one year from the date thereof but shall be renewed annually by said board upon application within thirty days prior to the expiration thereof upon a payment of two dollars and fifty cents to the secretary-treasurer of said board. Said board may issue temporary certificates of registration in their discretion between meeting of said board.
5. Said board shall keep a register, wherein it shall enter the names of all applications for registration, and for certificates of authority, with their place of business and such other information as may be deemed appropriate, including the action taken by said board thereon, and the dates upon which certificates of registration and certificates of authority are issued.

§ 3. AMENDMENT.) Section 43-0111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0111. BONDS OR LIABILITY POLICY.) Before a certificate of authority shall be issued, the applicant therefor shall file a surety bond running to the state of North Dakota, or abstracters' liability policy to be approved by the abstracters' board of examiners as to form, sufficiency, and surety thereof and written by a company authorized to write such insurance in this state, in a penal sum or limit of liability equal to ten thousand dollars for each ten thousand inhabitants, or major fraction thereof, residing in the county in which the applicant's office is maintained, as shown by the last official federal or state census preceding the filing of the bond or abstracters' liability policy. Such bond, or abstracters' liability policy, however, shall not be less than ten thousand dollars nor more than forty thousand dollars. The bond or liability policy shall be conditioned for the payment by the abstractor of any liability imposed upon him by law for damages arising from any claim against him that may be sustained by or that shall accrue to any person by reason or on account of any negligent act, error or omission in any abstract or certificate of title, or continuation thereof, made and issued by the abstractor. Said board shall file all surety bonds in the office of the

county auditor of the county in which the applicant has his place of business. All abstractor's liability policies shall be endorsed to provide that cancellation cannot be effected by either the abstractor or the insurance company without ten days written notice to the abstractor's board of examiners, who shall file said endorsed policy or a certificate thereof in the office of the county auditor of the county in which the applicant has his place of business.

§ 4. AMENDMENT.) Section 43-0112 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0112. BOARD MAY REQUIRE ADDITIONAL SECURITY ON ABSTRACTOR'S BOND.) The board, upon thirty days' notice, may require any person, firm or corporation holding a certificate of authority to furnish additional bond or additional abstractor's liability coverage as to the board seems proper, and to show cause why any bond or abstractors' liability policy filed with it should not be held and declared insufficient and invalid.

§ 5. AMENDMENT.) Section 43-0114 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0114. CERTIFICATION OF AUTHORITY: FEE; RENEWAL.) A certificate of authority shall be issued to an applicant who successfully passes the examination of the board and complies with the other provisions of this chapter, upon the payment of the registration fee of twenty-five dollars which shall be in addition to the examination fee. A certificate shall be valid for five years after the date thereof. A certificate shall be renewed by the board upon application, made within thirty days prior to the expiration date, accompanied by the sum of twenty-five dollars and an affidavit that the applicant has for use in his business a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which the applicant has his place of business or has been engaged in good faith in the preparation of such books or records for not less than six months.

§ 6. AMENDMENT.) Section 43-0115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0115. AUTHORITY AND DUTY OF ABSTRACTOR UNDER CERTIFICATE.) The certificate of authority shall authorize the person, firm or corporation named therein to engage in and carry on the business of an abstractor of real estate titles in the county in which he has his place of business and for that purpose to

have access during ordinary office hours to the offices of any county or of the state and to make such memoranda or notations from the records thereof as may be necessary for the purpose of making such abstracts of title. Any person, firm, or corporation holding a certificate shall furnish or continue an abstract of title to any tract of land in the county, when requested to do so, on payment of the fees provided in this chapter.

§ 7. AMENDMENT.) Section 43-0116 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0116. CANCELLATION OF CERTIFICATE.) The board, upon thirty days' notice, may require any person, firm or corporation holding a certificate of authority, or any person holding a certificate as a registered abstractor, to show cause why the same should not be annulled. A certificate of authority or certificate of registration may be recalled and annulled, however, only for one or more of the following reasons:

1. Violation of the provisions of this chapter by the holder;
2. If the holder thereof has been convicted of a crime;
3. A finding by the board that the holder is guilty of habitual carelessness, inattention to business, or intoxication, or the use of drugs to such an extent as to incapacitate him for business;
4. A finding by the board that the holder is guilty of fraudulent practices. If the certificate of authority is held by a firm or corporation, the provisions of this section shall be applicable to the members or officers thereof. A certificate of authority may be cancelled upon the failure of the holder thereof to provide additional security as provided by section 43-0112, or shall fail to file an abstractors' liability policy in lieu of any cancelled policy, before such cancellation becomes effective, or a surety bond in place thereof.

§ 8. AMENDMENT.) Section 43-0117 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0117. APPEAL FROM CANCELLATION OF CERTIFICATE.) Upon the denial of an application for a certificate of authority, or an applicant for a certificate of registered abstractor, or upon the cancellation of either a certificate of authority or a certificate of registered abstractor, the applicant or the holder thereof may appeal from the decision of the board to the district court. Such appeal shall be taken by the service upon the secretary-

treasurer of the board within thirty days after notice of the decision has been served, of a notice of appeal and an appeal bond in the sum of two hundred fifty dollars. The appeal shall come on for hearing at the next regular term of the district court in the county in which the applicant or certificate holder has his place of business or residence within the State of North Dakota.

§ 9. AMENDMENT.) Section 43-0118 of the North Dakota Revised Code of 1943, as amended by chapter 285, House Bill No. 155, of the 1949 session laws of the state of North Dakota is hereby amended and reenacted to read as follows:

43-0118. FEES CHARGEABLE BY ABSTRACTER.) An abstracter may charge the following fees, and no more for making and certifying to an abstract:

1. For the first entry on an abstract or continuation thereof, one dollar and fifty cents;
2. For every entry other than the first entry, one dollar;
3. For a complete certification covering the records of the several county offices, seven dollars and fifty cents;
4. For each name searched for judgments, real estate taxes, federal tax liens, state tax liens, mechanic's liens and mechanic's lien notices, fifty cents;
5. For all miscellaneous instruments, seventy-five cents for the first one hundred words, and twenty-five cents for each additional hundred words or fraction thereof;
6. Such fees as may be fixed by special statute.

Approved March 12, 1953.

NOTE: Title does not show (43-0118); "and Section 43-0121," etc., not included.

CHAPTER 265

S. B. No. 139
(Senate Judiciary Committee)

ABSTRACTS BY OFFICIAL ABTRACTER PRIMA FACIE
EVIDENCE

AN ACT

To provide that abstracts prepared by an official abstractor be received as evidence in all courts, and shall be prima facie evidence in all courts and places of the facts stated therein.

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

§ 1. ABSTRACT PREPARED BY REGULARLY BONDED ABTRACTER IS EVIDENCE.) Abstracts prepared by an official abstractor shall be received as evidence in all courts, and shall be prima facie evidence in all courts and places of the facts stated therein.

Approved March 13, 1953.

CHAPTER 266

S. B. No. 39
(Legislative Research Committee)

SURFACE ABSTRACTS AND MINERAL ABSTRACTS
BY ABSTRACTERS UPON REQUEST

AN ACT

Relating to surface abstracts and mineral abstracts to be furnished by abstractors upon request.

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

§ 1.) An abstractor shall furnish an abstract of title to the surface of any tract of land, when requested to do so, omitting therefrom all instruments of transfer or conveyance of mineral rights, royalties, and other mineral interests except instruments which sever mineral rights or royalties from surface rights. In addition to such surface abstract, an abstractor shall

when requested to do so, furnish a list showing the names of the grantor and grantee and the recording data of all instruments in the chains of title which transfer or convey mineral rights, royalties, or other mineral interests and which are not included in the surface abstract. For each instrument searched and listed, but not included in the surface abstract, an abstractor may charge a fee of twenty-five cents, and no more. When requested to do so, an abstractor shall furnish a mineral abstract of any chain of title to the minerals of any tract of land which shall consist of the instrument severing the mineral rights or royalties from the surface rights and include all instruments of transfer or conveyance of mineral rights, royalties, and other mineral interests. If requested, such mineral abstract may be combined with a surface abstract of all instruments affecting title to the tract of land to and including the instrument severing the mineral rights, royalties, or other mineral interests being abstracted.

Approved February 28, 1953.

CHAPTER 267

H. B. No. 596
(Baker by request)

REGISTRATION OF CHIROPODISTS AND DOCTORS OF SURGICAL CHIROPODY

AN ACT

To amend and reenact subsection 1 of section 43-0501, sections 43-0503, 43-0506, 43-0510, 43-0511, 43-0512, 43-0513, and 43-0516 of the North Dakota Revised Code of 1943 relating to chiropodists and doctors of surgical chiropody.

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

§ 1. AMENDMENT.) Subsection 1 of section 43-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0501. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Chiropodist" shall mean one who examines, diagnoses, and treats abnormal nail conditions, excrescences occurring on the feet, including corns, warts, callosities, bunions,

and arch disorders, or who treats the human foot medically, mechanically, or by physiotherapy in a chiropodic manner; a "doctor of surgical chiropody" is a chiropodist who has a degree from an accredited college of chiropody. A doctor of surgical chiropody in addition to the aforementioned privileges of practice is hereby permitted to practice minor foot surgery and to administer local anesthetics. Minor foot surgery shall consist only of any surgical procedure of the foot, except amputation of the foot or amputation of toe or toes in toto, but does allow partial amputation of toe or toes, that can be done under a local anesthetic.

§ 2. AMENDMENT.) Section 43-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0503. BOARD OF REGISTRATION IN CHIROPODY; APPOINTMENT OF MEMBERS; TERM OF OFFICE; QUALIFICATIONS; VACANCIES.) The board of registration in chiropody shall consist of three persons appointed by the governor for a term of three years each with the terms of office so arranged that one term only shall expire on the thirtieth day of June of each year. The members of the board shall have practiced chiropody in this state for at least two years prior to their appointment. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold his office until his successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term. No person shall hereafter be appointed a member of such board who is not a licensed doctor of surgical chiropody.

§ 3. AMENDMENT.) Section 43-0506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0506. COMPENSATION OF MEMBERS OF BOARD.) Each member of the board shall receive ten dollars per day for each day employed in the actual discharge of his duties, and his necessary expenses incurred in connection therewith. The mileage and travel expense allowed shall not exceed the amount provided for in section 54-0609.

§ 4. AMENDMENT.) Section 43-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0510. APPLICATION: EXAMINATION FEE.) In order to obtain a license to practice as a doctor of surgical chiropody, an application shall be made to the board through the secretary-treasurer. The applicant shall submit evidence that he has the

required qualifications and shall pay to the secretary-treasurer a fee of seventy-five dollars. The application shall be filed on or before the first day of June.

§ 5. AMENDMENT.) Section 43-0511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0511. QUALIFICATIONS OF LICENSEE.) An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he:

1. Is twenty-one years of age;
2. Is of good moral character;
3. Has such preliminary preparation and education as the rules and regulations of the board require.

An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he has all the qualifications set forth above for the practice of chiropody and, in addition, he shall present satisfactory evidence to the board that he has a degree of doctor of surgical chiropody from an accredited college of chiropody approved by the bureau of education of the national association of chiropodists.

§ 6. AMENDMENT.) Section 43-0512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0512. EXAMINATION: SUBJECTS COVERED; MARK REQUIRED; WHEN GIVEN.) Before an applicant may be licensed as a doctor of surgical chiropody, he shall pass satisfactorily an examination in the following subjects, limited in their scope to the treatment of the human foot:

1. Anatomy;
2. Histology;
3. Pathology;
4. Bacteriology;
5. Dermatology;
6. Physical diagnosis;
7. Chemistry;
8. Clinical and orthopedic chiropody;
9. Physiology and materia medica;
10. And other subjects as may be required by the board.

The minimum requirement for the license shall be a general average of seventy-five percent and not less than fifty percent in any one subject. Regular examinations shall begin on the second Tuesday in June of each year but special meetings for the purpose of giving examinations may be designated from time to time by the board. If an applicant shall pass the examination given under this chapter, he shall be entitled to a license.

§ 7. AMENDMENT.) Section 43-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0513. REEXAMINATION WHEN APPLICANT FAILS IN FIRST EXAMINATION.) Any applicant who fails in the examination and is refused a license, within one year after such refusal, may be reexamined upon paying an additional fee of ten dollars. Only one such reexamination shall exhaust the applicant's privilege under the original application.

§ 8. AMENDMENT.) Section 43-0516 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0516. GROUNDS FOR REVOKING OR REFUSING TO GRANT LICENSE.) After notice and due hearing the board may refuse to renew a license to practice chiropody or as a doctor of surgical chiropody or may revoke an existing license for any one or more of the following causes:

1. Prescribing for or treating any disease or defect of any part of the human body which in the opinion of the board is outside the scope of the practice of chiropody;
2. The use of untruthful or improbable statements to patients or in his advertisements;
3. The willful betrayal of professional secrets of a patient;
4. False statement of an applicant in an application for a license or an affidavit connected with an application;
5. Conviction of any crime involving moral turpitude;
6. Proof of the use by the applicant or licensee of morphine, opium, cocaine, or any other substance or drug having a similiar effect;
7. Giving away or prescribing any substance or compound containing morphine, opium, cocaine, or similar drug, exchanging the same for money or its equivalent, or vending or bartering the same for other than legal and legitimate therapeutic purposes;

8. When findings have been presented to the board by an official health agency that the licensee has failed to maintain proper standards of sanitation.

It shall be unlawful for any person hereinafter licensed under this chapter to maintain his or her professional office in conjunction or relation with any business other than those engaged in the practice of the medical sciences. The board of registration in chiropraxy may revoke the license of anyone violating this provision.

Approved March 6, 1953.

CHAPTER 268

S. B. No. 111

(Geelan, O'Brien, Duffy, Sandness, Schrock and Stucke)

PROFESSIONAL NURSING

AN ACT

Providing for the examination and licensure of nurses, regulation of professional nursing, and education of professional nurses; and repealing chapter 43-12 of the North Dakota Revised Code of 1943.

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. "Board" shall mean the North Dakota state board of nursing education and nurse licensure;

2. "Professional nursing" shall mean one of the services for the care of the sick, for the prevention of illness and for the promotion of health which is carried on under medical direction. Nursing is designed to provide physical, mental and emotional care for the patient, to care for his immediate environment; to carry out treatment prescribed by the physician; to teach the patient and the family the nursing care which they may have to perform; to give general health instruction, to supervise auxiliary workers, to coordinate the services of other workers contributing to patient and family care and to participate in research related to health care. This service may be given in hospitals or other institutions for the care of the sick, in the home, in community health agencies, in industries or in schools;

3. "Professional nurse" shall mean one who has met all the legal requirements for licensure in this state and has been registered by the board, who practices or holds a position by virtue of her professional knowledge and legal status, and who holds a certificate of licensure from the board for the current year, acquired according to the provisions of this Act;

4. "Registered nurse" shall mean a person who has been registered by the board and is entitled to a certificate of licensure according to provisions of this Act.

§ 2. PERSONS EXEMPTED FROM PROVISIONS OF 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 person nursing the sick for hire who is not a professional nurse.

§ 3. NORTH DAKOTA STATE BOARD OF NURSING EDUCATION AND NURSE LICENSURE; MEMBERS; APPOINTMENT; TERMS OF OFFICE.) The North Dakota state board of nursing education and nurse licensure shall consist of five members, all professional nurses, appointed by the governor for terms of five years each, so arranged that one term shall expire on the thirtieth day of June in each year. Each member of the board shall hold office until her successor is appointed and qualified. Persons appointed to the board shall take the oath required of civil officers. Vacancies on the board shall be filled by appointment by the governor for the remainder of the unexpired term.

§ 4. QUALIFICATIONS OF MEMBERS OF BOARD.) No person shall be appointed as a member of the board unless such person has the following qualifications:

1. Is recommended by the North Dakota state nurses' association;
2. Is licensed in North Dakota;
3. Has resided at least two years in North Dakota;
4. Is currently engaged in nursing, teaching or administration; and
5. Has had at least five years' experience in nursing education including teaching, administration and supervision.

At least ten days before an appointment is to be made, the North Dakota state nurses' association shall recommend three persons to the governor for such appointment.

§ 5. BOARD; ORGANIZATION; MEETINGS; OFFICERS; BOND OF TREASURER; OFFICE OF BOARD.) The board shall meet annually at its office in the state capitol for the purpose of organization. At such meeting the members of the board shall elect from

their number a president, a vice-president, a secretary, and a treasurer. The office of the secretary and treasurer may be held by the same person, if so determined by the board. The secretary-treasurer or the treasurer shall be bonded in a penal sum equal at least to the largest amount of money which will come into her hands in any one year. The amount of such bond shall be determined by the board and in no event shall be less than two thousand dollars. The bond shall be filed in the office of the secretary of state.

§ 6. COMPENSATION OF MEMBERS OF BOARD; EXPENSES; HOW PAID.) Each member of the board shall receive not to exceed five dollars per day and the expenses necessarily incurred while actually engaged in the performance of the duties of her office. Such compensation shall be paid from fees received by the board under the provisions of this Act. The executive director of nursing education and executive secretary of the board shall be paid such salary for services as may be fixed by the board. The board, from moneys received, shall pay all necessary expenditures for clerical help, printing, postage, travel, nursing surveys, preparation and grading of examination papers, office equipment and maintenance, attendance at board meetings, conducting public examinations, and executing any other legitimate project pertaining to nursing education and schools of nursing.

§ 7. POWERS AND DUTIES OF BOARD.) The board may draw up such rules and regulations as are necessary to carry out the provisions of this Act and shall:

1. Adopt an official seal which shall remain in the custody of the executive secretary of the board;
2. Record, in a suitable book, the names of schools of nursing accredited under the provisions of this Act;
3. Record, in a suitable book, the names of all persons to whom licenses to practice professional nursing are issued. Such register at all times shall be open to public inspection;
4. Maintain a roster of nurses who desire to retire temporarily from the practice of nursing in this state;
5. Employ an executive director of nursing education and executive secretary of the board and define the duties of such offices.

§ 8. ACCREDITATION OF SCHOOL OF NURSING; FEE; REVOCATION OF ACCREDITATION.) Any school, to be accredited under the provisions of this Act, shall be required to pay fifty dollars to the treasurer of the board for an annual survey and meet the

requirements of the board for such school. If such school subsequently becomes disqualified by failure to comply with terms and requirements for accreditation, such school shall pay fifty dollars to the treasurer for a new survey.

§ 9. SCHOOLS OF NURSING; QUALIFICATIONS OF APPLICANTS FOR ADMITTANCE.) Before any school of nursing shall admit a student for a professional nursing course, the student shall present certified evidence that she has completed at least sixteen units of high school work or an equivalent education. Such high school work may include one unit of physical education. An applicant graduating from a graded and consolidated school with a high school department, who has taken the state examinations, shall present certified evidence from the superintendent of public instruction to the effect that she has earned the prescribed number of units. A student graduating from a classified high school shall present certified evidence from the superintendent of such school to the effect that she has earned the prescribed number of high school units. Applicants from other states or foreign countries shall present certified transcripts of credits to show preliminary education equivalent to that required of North Dakota residents.

§ 10. SURVEY OF SCHOOLS OF NURSING.) The board may appoint a person or persons to survey schools of nursing in this state at any time. Such person or persons may be members of the board or may be other duly licensed nurses. The services of such person or persons may be terminated at the will of the board.

§ 11. EXECUTIVE DIRECTOR OF NURSING EDUCATION; DUTIES.) The executive director of nursing education shall survey all schools of nursing in this state annually and shall survey affiliating schools at the discretion of the board. She shall perform such other nursing education and administrative duties as may be assigned by the board.

§ 12. CERTIFICATE OF LICENSURE REQUIRED; USE OF TITLE "REGISTERED NURSE.") No person shall practice professional nursing in this state as a professional nurse unless she has been granted a certificate of licensure for the current year from the board. No person shall use the title "registered nurse," the abbreviation "R. N.," or any other letter or figure to indicate that she is a registered nurse unless she has been registered by the board. Any nurse employed in federal hospitals in this state must present to the board her certificate of licensure for the current year from the state in which she is licensed.

§ 13. EXAMINATION REQUIRED; APPLICATION; FEE FOR EXAMINATION; QUALIFICATIONS FOR EXAMINATION.) Any person who

desires to practice professional nursing in this state shall pass the examination given by the board before a certificate of licensure shall be issued. Such person shall make an application for licensure to the executive secretary of the board at least three weeks prior to the date set for the examination and shall pay to the treasurer of the board at the time of making such application the sum of eighteen dollars. Enclosed with such application, proof shall be submitted that the applicant has the following qualifications:

1. Is at least twenty-one years of age;
2. Is a citizen of the United States or has declared her intention to become a citizen;
3. Is of good moral character;
4. Has received the preliminary education required in section 9 of this Act for admission to a school of nursing;
5. Has graduated, or within three months will graduate, from an accredited school of nursing which furnishes instruction in a course of nursing and practice of nursing that meets the minimum requirements of the board. Such course may be received in one or more hospitals or institutions of higher education approved by the board.

§ 14. MEETING OF BOARD; WHEN HELD.) The board shall hold at least two regular meetings in each year for the examination of applicants for licensure as professional nurses and such additional meetings at such times and places as it may determine.

§ 15. EXAMINATION.) The applicant for a certificate of licensure to practice professional nursing in this state shall present herself for examination at the next regular examination held by the board after her application has been filed. Ten days prior to the examination, notice of the time and place of examination shall be mailed to each applicant. Notice shall be published not less than thirty days prior to the examination in at least two newspapers of general circulation in the state and in at least one nursing journal.

§ 16. CERTIFICATE OF LICENSURE; WHEN ISSUED; AUTHORITY UNDER.) If the applicant for a certificate of licensure to practice professional nursing in this state passes her examination, the board shall enter her name in the register provided for in subsection 3 of section 7 of this Act and shall issue to her a certificate of licensure authorizing her to practice as a professional nurse in this state. She shall show the certificate of licensure at any time upon request.

§ 17. REEXAMINATION.) The board may make such rules and regulations as it deems necessary for the reexamination of applicants who fail to pass a regular examination.

§ 18. CERTIFICATE.. OF LICENSURE ISSUED TO APPLICANT LICENSED IN ANOTHER STATE; EXAMINATION NOT REQUIRED.) The board may issue a certificate of licensure to practice professional nursing in this state to an applicant who has not taken the examination if she:

1. Produces satisfactory evidence of having been duly licensed by another state or a foreign country to practice therein as a professional nurse;
2. Meets the qualification requirements for nurse licensure in this state;
3. Is a citizen of the United States or has declared her intention to become a citizen; and
4. Pays a twenty dollar licensure fee.

Pending the issuance of a certificate of licensure to such applicant and upon payment of a fee of two dollars, the board may issue the applicant a temporary permit to practice professional nursing in this state until the licensure has been completed. Such temporary permit shall expire at the end of one year and may be renewed only for reasons satisfactory to the board.

§ 19. PERMIT TO PRACTICE ISSUED TO APPLICANT WHO IS NOT A CITIZEN.)..The board, in case of an emergency, may issue a temporary permit to practice professional nursing in this state to an applicant who has all the required qualifications for nurse licensure except that of citizenship. The fee for such a permit shall be twenty dollars for the first year and it may be renewed for reasons satisfactory to the board upon the payment of a fee of two dollars per year.

§ 20. CERTIFICATE OF LICENSURE RECORDED; FEE.) Every person to whom a certificate of licensure to practice professional nursing in this state shall have been issued shall cause the same to be recorded in the office of the register of deeds of the county in which such person resides within thirty days after its issuance, and shall pay the required fee for recording the same.

§ 21. RENEWAL OF CERTIFICATE OF LICENSURE; FEE; FAILURE TO PAY; RELICENSURE.) A certificate of licensure issued under the provisions of this Act shall be valid for only one year and shall be renewed on or before the fifteenth day of February in each year. The fee for the renewal certificate shall be two dollars. On or before the first day of January in each year,

the executive secretary of the board shall mail to all registered nurses an application form for a renewal certificate. The application and fee shall be in the hands of the executive secretary of the board by the fifteenth day of February in each year. The failure of any person to renew her license annually shall suspend her right to practice professional nursing in this state, but she may be relicensed by paying the required renewal fee of two dollars for each year it has not been paid and an additional fee of one dollar for failure to complete her relicensure on time.

A roster, as provided for in subsection 4 of section 7 of this Act, shall be compiled by the executive secretary of the board. Any nurse who voluntarily places her name on such roster on or before the fifteenth day of February in the year she desires to retire temporarily from the practice of nursing may be relicensed in any subsequent year by paying the current annual fee for a certificate of licensure without incurring any penalty. Nurses who have not placed their names on such roster shall be subject to payment of the required renewal fee for each year it has not been paid.

§ 22. REVOCATION OF CERTIFICATE OF LICENSURE; GROUNDS FOR.) The board may revoke any certificate of licensure issued by it under the provisions of this Act for the following reasons:

1. Gross incompetency;
2. Dishonesty;
3. Any act derogatory to the morals or standing of the profession of nursing.

§ 23. REVOCATION; NOTICE OF HEARING; APPEAL; BOARD TO FURNISH LIST OF PERSONS HAVING LICENSES REVOKED TO OTHER STATES.) A certificate of licensure to practice professional nursing in this state shall be revoked only after a hearing by the board. Specific written charges against the certificate holder shall be made under oath and filed with the executive secretary of the board. A certified copy of the charges and a written notice of the hearing shall be served on the accused by registered mail addressed to the licensee at the last known address at least thirty days prior to the hearing. The accused licensee shall be advised along with the notice of hearing that revocation of license may result upon failure to appear. The certificate shall be revoked only after due consideration by the board, or upon failure of the accused licensee to appear and upon a majority vote of the board. The board shall keep a record of all its proceedings in the matter of revoking licenses together with the evidence offered. An appeal from the final decision of the board revoking a license to practice professional nursing in this

state may be taken to the district court of the county in which the decision was made in accordance with the provisions of chapter 32 of the title Judicial Procedure, Civil. The board shall furnish a list of the names and addresses of those whose certificates have been revoked to the boards of nursing education and nurse licensure, or comparable boards, of all other states.

§ 24. PENALTY FOR VIOLATION OF ACT.) Any person who violates any of the provisions of this Act, or who wilfully makes a false representation to the board in applying for a certificate of licensure, is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Subsequent violations shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 25. REPEAL.) Chapter 43-12 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 7, 1953.

CHAPTER 269

S. B. No. 35
(Legislative Research Committee)

REGULATION OF OIL AND GAS BROKERS

AN ACT

Relating to oil and gas brokers, requiring bonding and registration, and providing for their regulation; service of process; and a penalty.

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

§ 1. DEFINITION.) In this Act, unless the context of subject matter otherwise requires:

1. "Oil and gas broker" shall mean any person, copartnership, association, or corporation engaged in the business of buying for resale oil and gas leases, mineral rights, royalties, or other interests in oil and gas properties from the surface holder or land owner, whether for himself or as agent of others.

2. Commissioner shall mean the state securities commissioner.

§ 2. BROKER SHALL REGISTER.) No person shall engage in business as an oil and gas broker without first having registered with the commissioner on a form provided by the commissioner which shall include the following information:

1. The full name of said broker and his full business address in the state of North Dakota;
2. The position or capacity of the broker if he is a member of a partnership or the employee of a corporation and the business address of such copartnership or corporation; and
3. The place of legal residence of the registering broker.

The registration shall be kept permanently on file by the commissioner and shall be public records open for inspection.

§ 3. BOND REQUIRED; FILING OF BOND WITH REGISTRATION.) Every broker making the registration required by this Act shall at the same time file with the commissioner a surety bond in the penal sum of three thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The obligee in such bond shall be the state of North Dakota for the use and benefit of any person dealing with such broker and shall be conditioned for the performance of any purchase, sale or other agreement made by such broker, provided, however, that the aggregate liability of the surety to all such surface holders or land owners should in no event exceed the amount of such bond.

§ 4. DEPOSIT OF CASH OR SECURITIES IN LIEU OF BOND. MANNER OF WITHDRAWAL THEREOF.) In lieu of the bond herein required, a broker may deposit with the commissioner the sum of three thousand dollars in cash or any bond or bonds of the United States of America or of the state of North Dakota the current face value of which aggregates three thousand dollars under such rules and regulations as the commissioner may provide. In the event a broker desires to cancel his registration under this Act and withdraw any cash or securities he may have deposited under this Act in lieu of a bond, he shall give written notice of such intention to the commissioner who shall thereupon publish a notice in the official newspaper of the county in which said broker maintains his place of business in North Dakota to the effect that such notice of cancellation has been filed by such broker and that unless a notice is filed with the commissioner within sixty days after the publication of said notice that an action has been commenced and is

pending against said broker which might result in a claim against said deposit of cash or securities, or that a judgment has been entered against the broker in such an action, the said deposit shall be returned to said broker and his registration cancelled. Notice of entry of a final judgment against a broker as provided herein shall authorize the commissioner to pay as much thereof as may be from funds in his hands from such deposit.

§ 5. BOND COVERS AGENT.) The bond or deposit furnished by an oil and gas broker shall cover the acts of his duly authorized employees or agents. Any such employee or agent need not furnish a separate bond but the burden of proof shall rest upon any person not himself bonded to establish that he was duly authorized by a bonded broker.

§ 6. UNLAWFUL TO RETAIN LEASE OR MINERAL OR ROYALTY TRANSFER IF NOT PAID FOR.) It shall be unlawful to retain any oil and gas lease or transfer of any mineral right or royalty after the presentation and non-payment of any draft or check given in payment therefor which by its terms is due and payable, and in the event of non-payment such lease or transfer must be returned to the lessor or grantor and such return may be made by mailing the same to the address given in such instrument by the lessor or grantor.

§ 7. NON-RESIDENT SHALL APPOINT COMMISSIONER AS AGENT FOR SERVICE OF PROCESS.) Any broker registering under this Act who shall be a non-resident of the state of North Dakota, shall, at the time of registration file with the commissioner his or its consent that service of process may be made upon him or it by service thereof on the commissioner and such consent shall be deemed an appointment of the commissioner as agent for the service of process upon such broker. In the event of such service on the commissioner the commissioner shall, within five days after such service send a copy thereof by registered mail to such broker at the address given in such registration.

§ 8. REGISTRATION FEES.) The commissioner shall receive and the broker shall pay the following fees:

1. For registration as provided in this Act the sum of fifty dollars.
2. For a withdrawal of cash or securities deposited in lieu of bond the sum of fifteen dollars.

§ 9. PENALTY FOR VIOLATION OF ACT.) Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or by imprison-

ment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, and he shall not thereafter be entitled to be registered under this Act or employed by any registered broker.

§ 10. APPROPRIATION.) There is hereby appropriated to the state securities commissioner out of the state treasury not otherwise appropriated the sum of five hundred dollars to cover the cost of the administration of this act for the biennium from July 1, 1953 to June 30, 1955, which amount shall be fully available when this act becomes effective.

Approved March 12, 1953.

OFFICES AND OFFICERS

CHAPTER 270

H. B. No. 554
(Legislative Research Committee)
(at the request of The Board of Auditors)

INVENTORIES OF STATE DEPARTMENTS, INDUSTRIES, INSTITUTIONS, BOARDS, ASSOCIATIONS OR COMMISSIONS

AN ACT

To amend and reenact section 44-0407 of the North Dakota Revised Code of 1943, relating to inventories of state departments, industries, institutions, boards, associations, or commissions.

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

§ 1. AMENDMENT.) Section 44-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0407. INVENTORY REQUIRED.) The person in charge of any state department, industry, institution, board, association, or commission shall maintain, or cause to be maintained, a complete and current inventory record of all property of sufficient value and permanence as to render such inventory record practical. On the first day of July of each year such person shall make a complete inventory of all such property, and shall maintain such inventory, with his certificate thereto attached, as to the correctness of same, in the files and records of the department, industry, institution, board, association, or commission. Said inventory record shall provide a comprehensive description of each item, together with manufacturer's serial number, or other means of positive identification, and shall include statements of all property disposed of by any means whatsoever, including livestock and increase therefrom, and shall be in such form and detail as may be prescribed by the department charged with the duty of auditing or examining such records.

Approved March 2, 1953.

CHAPTER 271

H. B. No. 848
(Delayed Bills Committee)

PREFERENCE TO NORTH DAKOTA BIDDERS AND SELLERS

AN ACT

To amend section 44-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the preference given to North Dakota bidders and sellers.

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

§ 1. AMENDMENT.) That section 44-0801 of the 1949 Supplement to the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

§ 44-0801. PREFERENCE TO NORTH DAKOTA BIDDERS AND SELLERS.) The board of administration, or any board, commission, city council, board of city commissioners, board of education, board of park commissioners, school board, board of village trustees, or any other governing body of any political subdivision of the state, or of any state institution, in purchasing any goods, merchandise, supplies, or equipment of any kind, shall give preference to bidders or sellers resident in North Dakota. In specifying or purchasing goods, merchandise, supplies, or equipment to be purchased, such board shall not specify any trade-marked or copyrighted brand or name, nor the product of any one manufacturer, nor any patented product, apparatus, device, or equipment, where the same will prevent proper competition, unless bidders also are asked for bids or offers upon other articles of like nature, utility, and merit. Utility, fitness, and quality being equal, the bid or offer of a resident North Dakota bidder or seller shall be accepted, when such bid or offer is not more than two percent higher than that of a low bidder or seller who is not a resident of this state.

Approved March 13, 1953.

PRINTING LAWS

CHAPTER 272

S. B. No. 199

(Sayer, Morgan, Foss, Geelan, Berube, and Nordhougen)

LEGISLATIVE MANUAL OR NORTH DAKOTA BLUE BOOK AN ACT

Providing for the printing and distribution of the legislative manual or North Dakota blue book and making an appropriation.

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

§ 1. The secretary of state shall cause to be printed, and shall furnish and distribute, transportation collect, the legislative manual or blue book as follows:

1. One copy to each member of the legislative assembly;
2. Two copies to the state historical society;
3. Two copies to the state law library;
4. Two copies to the state agricultural college;
5. Two copies to the state university;
6. One copy to each public institution maintained by the state;
7. One copy to each elective and appointive state officer;
8. One copy to each public library in the state;
9. One copy to each county auditor;
10. One copy to each high school in the state;
11. One copy to each supreme court justice; and
12. One copy to each district court judge.

Such legislative manual or blue book shall not contain more than five hundred pages and the number to be printed shall not exceed two thousand copies. The secretary of state may sell the remaining copies of the manual or book to individuals at cost, the proceeds from which shall be covered into the general fund of the state. The printing and binding of said manual or book shall be let, as are other classes of state printing, upon competitive bidding to the lowest bidder.

§ 2. APPROPRIATION.) There is hereby appropriated out of moneys in the state treasury, not otherwise appropriated, the sum of \$10,000.00 or so much thereof as may be necessary for the printing of the legislative manual or blue book.

Approved March 13, 1953.

CHAPTER 273

S. B. No. 206
(Committee on Industry and Business)
(Work, Beaverstad and Morgan)

PUBLICATION FEES FOR NEWSPAPERS

AN ACT

To amend and reenact section 46-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to publication fees.

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

§ 1. AMENDMENT.) Section 46-0503 of the 1949 Supplement to 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 appointed;
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 or whatever kind or character required by law to be published, shall be fourteen cents per counted line of nonpareil or six point type for the first insertion and nine cents per line of nonpareil or six point type for each subsequent insertion, or eleven cents per counted line of brevier or eight point type for the first insertion and seven 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 not less than eleven or more than thirteen ems pica of twelve point type in length. Wherever possible, all such legal notices and publications shall be set in single column.

Approved March 10, 1953.

PROPERTY

CHAPTER 274

H. B. No. 752
(Crothers)

SUSPENSION OF POWER OF ALIENATION; RESTRICTION

AN ACT

To amend and reenact section 47-0227 of the North Dakota Revised Code of 1943, relating to suspension of power of alienation.

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

§ 1. AMENDMENT.) Section 47-0227 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-0227. POWER OF ALIENATION;.. HOW LONG SUSPENDED.) Except in the single case mentioned in section 47-0413, the absolute power of alienation cannot be suspended, by any limitation or condition whatever, for a longer period than during the continuance of the lives of persons in being at the creation of the limitation or condition and twenty-one years.

Approved March 4, 1953.

CHAPTER 275

H. B. No. 686
(Beede, Holand, Haugen, Rohde)

TITLE TO REAL PROPERTY; ADVERSE POSSESSION

AN ACT

To amend and reenact section 47-0603 of the North Dakota Revised Code of 1943, as amended and reenacted by section 1 of chapter 276 of the North Dakota Session Laws of 1951, relating to title to real property; adverse possession; and providing for an effective date.

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

§ 1. AMENDMENT.) Section 47-0603 of the North Dakota Revised Code of 1943, as amended and reenacted by section 1 of chapter 276 of the North Dakota session laws of 1951, is hereby amended and reenacted to read as follows:

47-0603. TITLE TO REAL PROPERTY; ADVERSE POSSESSION.) A title to real property, vested in any person who has been or hereafter shall be, either alone or including those under whom he claims, in the actual open adverse and undisputed possession of the land under such title for a period of ten years and who, either alone or including those under whom he claims, shall have paid all taxes and assessments legally levied thereon, shall be valid in law. Possession by a county under tax deed shall not be deemed adverse. A contract for deed shall constitute color of title within the meaning of this section from and after the execution of such contract.

§ 2. EFFECTIVE DATE.) This act shall take effect on January 1, 1954.

Approved March 10, 1953.

CHAPTER 276

S. B. No. 176
(Committee on Judiciary)

ISLANDS AND RELICTED LANDS IN NAVIGABLE STREAMS
BELONG TO STATE

AN ACT

To amend and reenact section 47-0608 of the North Dakota Revised Code of 1943, relating to islands and relicted lands in navigable streams and the beds of such streams, and other navigable waters.

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

§ 1. AMENDMENT.) Section 47-0608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 47-0608. ISLAND AND RELICTED LANDS IN NAVIGABLE STREAMS BELONG TO STATE.) Islands and accumulations of land formed in the beds of streams which are navigable belong to the state, if there is no title or prescription to the contrary. The control and management, including the power to execute mineral leases, of islands, relictions and accumulations of land owned by the state of North Dakota in navigable streams and waters and the beds thereof, shall be in the Bank of North Dakota. All income and proceeds derived from such lands shall be deposited in the general fund for the purpose of defraying the general expenses of the state government. This Act shall not be construed as affecting or changing the provisions of any contract already executed by or on behalf of the state of North Dakota or any department or agency thereof concerning such lands.

Approved March 13, 1953.

CHAPTER 277

S. B. No. 91

(Nordhougen, Duffy and Baeverstad)

RELEASE OF OIL AND MINERAL LEASES

AN ACT

To amend and reenact sections 1, 3, and 4 of chapter 233 of the North Dakota Session Laws of 1951, relating to release of oil and mineral leases, and repealing sections 47-1631, 47-1632, 47-1633, 47-1634, and 47-1635 of the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) Section 1 of chapter 233 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 1. DUTY OF LESSEE TO HAVE TERMINATED OR FORFEITED LEASE RELEASED; PUBLICATION NOTICE: AFFIDAVIT TO BE RECORDED; NOTICE TO REAL PROPERTY OWNER; REMEDIES.) When any oil, gas or other mineral lease heretofore or hereafter given on real property situated in any county of North Dakota and recorded therein shall terminate or become forfeited it shall be the duty of the lessee, his successors or assigns and within fifteen days after the date of the termination or forfeiture of any other lease, to have such lease surrendered in writing, such surrender to be signed by the party making the same, acknowledged and placed on record in the county where the leased real property is situated without cost to the owner thereof. If the said lessee, his successors or assigns, shall fail or neglect to execute and record such surrender within the time provided for, then the owner of said real property may serve upon said lessee, his successors or assigns of record, in person or by registered letter, at his last known address, or if the post office address is not shown of record then by publication for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a notice in writing in substantially the following form:

To.....: I, the undersigned, owner of the following described land situated in.....county, North Dakota, to-wit: (description of land) upon which a lease, dated.....day of....., 19....., was given todo hereby notify you that such lease has terminated or become forfeited by breach of the terms thereof,

that I hereby elect to declare and do declare the said lease forfeited and void and that, unless you do, within twenty days from this date, notify the register of deeds of said county as provided by law that said lease has not been forfeited, I will file with the said register of deeds affidavit of forfeiture as provided by law, and I hereby demand that you execute or have executed a proper surrender of said lease and that you put the same of record in the office of the register of deeds of said county within twenty days from this date.

Dated this.....day of....., 19.....,
The owner of said real property may after twenty days from the date of service, registration, or first publication of said notice, file with the register of deeds of the county where said real property is situated an affidavit setting forth, that the affiant is the owner of said real property, that the lease has terminated or that the lessee, or his successors or assigns has failed and neglected to comply with the terms of said lease, reciting the facts constituting such failure and that the same has been forfeited and is void, and setting out in said affidavit a copy of the notice served, as above provided and the manner and time of the service thereof. If the lessee, his successors or assigns, shall within such twenty days after service, give notice in writing to the register of deeds of the county where said real property is located that said lease has not been forfeited and that said lessee, his successors or assigns, still claim that said lease is in full force and effect, then the said affidavit shall not be recorded but the register of deeds shall notify the owner of the real property of the action of the lessee, his successors or assigns, and the owner of the real property shall be entitled to the remedies now provided by law for the cancellation of such disputed lease. If the lessee, his successors or assigns, shall not notify the register of deeds, as above provided, then the register of deeds shall record said affidavit, and thereafter the record of the said lease shall not be notice to the public of the existence of said lease or of any interest therein or rights thereunder, and said record shall not be received in evidence in any court of the state on behalf of the lessee, his successors or assigns, against the lessor, his successors or assigns.

§ 2. AMENDMENT.) Section 3 of chapter 233 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 3. SURRENDER OF LEASE BY LESSEE.) Any oil and gas or mining lease that has been or may hereafter be recorded in the office of the register of deeds of any county may be discharged and canceled of record by the recording of a certificate of cancellation signed by the lessee or his assigns of record,

or his duly authorized attorney in fact or personal representative, including a foreign executor or administrator, or a corporation by its duly authorized officers surrendering all of his right, title and interest in and to said lease, which certificate shall be acknowledged as prescribed by law.

§ 3. AMENDMENT.) Section 4 of chapter 233 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 4. RECORD OF SURRENDER.) The certificate of cancellation mentioned in section 3 shall be recorded at length and shall be noted on the margin of the record of the lease.

§ 4. REPEAL.) Sections 47-1631, 47-1632, 47-1633, 47-1634, and 47-1635 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1953.

CHAPTER 278

S. B. No. 50
(Legislative Research Committee)
(at the request of the Public Welfare Board)

WHEN HOMESTEAD SUBJECT TO EXECUTION

AN ACT

To amend and reenact section 47-1804 of the North Dakota Revised Code of 1943, relating to homesteads.

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

§ 1. AMENDMENT.) Section 47-1804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1804. WHEN HOMESTEAD SUBJECT TO EXECUTION.) A homestead is subject to execution or forced sale in satisfaction of judgments obtained in the following cases:

1. On debts secured by mechanics' or laborers' liens for work or labor done or performed or material furnished exclusively for the improvement of the same;
2. On debts secured by mortgage on the premises executed and acknowledged by both husband and wife, or an unmarried claimant;

3. On debts created for the purchase thereof and for all taxes accruing and levied thereon; and
4. On all other debts when it appears that said homestead is within a town plat and, upon an appraisal as provided by section 47-1806, it appears that the value of said homestead is more than twenty-five thousand dollars over and above liens or encumbrances thereon, and then only to the extent of any value in excess of the sum total of such liens and encumbrances plus said twenty-five thousand dollars.

Approved March 13, 1953.

CHAPTER 279

H. B. No. 532
(Legislative Research Committee)

PROCEEDS OF HOMESTEAD SALE EXEMPT; DISPOSITION

AN ACT

To amend and reenact section 47-1814 of the North Dakota Revised Code of 1943, relating to homesteads.

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

§ 1. AMENDMENT.) Section 47-1814 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1814. PROCEEDS OF SALE EXEMPT; DISPOSITION.) If the sale of a homestead is made as provided in section 47-1813, the proceeds thereof to the amount of the homestead exemption must be paid to the claimant and the residue applied to the satisfaction of the execution. When the execution is against a husband whose wife is living, the court may direct the twenty-five thousand dollars be deposited in court to be paid out only on the joint receipt of the husband and wife, and it shall possess all the protection against legal process and voluntary disposition by the husband as did the original homestead premises whether paid directly to the claimant or to the husband and wife jointly.

Approved March 14, 1953.

CHAPTER 280

S. B. No. 36
(Legislative Research Committee)

PETITION FOR SALE OR LEASE OF HOMESTEAD
IN CASE OF INSANITY

AN ACT

To amend and reenact section 47-1823 of the North Dakota Revised Code of 1943, relating to sale or lease in case of insanity.

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

§ 1. AMENDMENT.) Section 47-1823 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1823. REQUISITES OF A PETITION IN CASE OF INSANITY.) An application in connection with the insanity of the husband or wife of the owner of a homestead for an order permitting the sale, conveyance, lease, including oil and gas leases, or mortgage of the homestead by the owner, shall be made by a petition to the court subscribed and sworn to by the applicant, setting forth:

1. The name and age of the insane husband or wife;
2. The number, age, and sex of the children of such husband or wife;
3. A description of the premises constituting the homestead;
4. The value of the homestead;
5. The county in which the homestead is situated; and
6. Such facts, in addition to that of the insanity of the husband or wife, relating to the circumstances or necessities of the applicant and his family as he may rely upon in support of the petition.

Approved March 4, 1953.

PUBLIC BUILDING

CHAPTER 281

H. B. No. 638

(McLain, Temanson, Siverson, Haugen)

CONSTRUCTION BIDS; AWARDING OF CONTRACTS; PREFERENCE TO NORTH DAKOTA CONTRACTORS

AN ACT

To amend and reenact section 48-0206 of the North Dakota Revised Code of 1943, relating to the opening of bids, the awarding of contracts and the preference given to North Dakota contractors on such bids.

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

48-0206. OPENING BIDS; AWARD OF CONTRACT; BOND REQUIRED.) At the time and place specified in the notice, the governing board shall open publicly and read aloud all bids received, and may reject all bids or award the contract to the lowest and best bidder. If the low bidder has not been a resident of this state for at least one year preceding the date of the filing of his bid, the contract shall be awarded to the lowest qualified bidder who has been a resident of the state for at least one year preceding the date of the filing of his bid, if such bid does not exceed the bid of the low bidder by more than two per cent when the total amount of the bid or contract shall be less than two hundred thousand dollars, and, in the event such bid or contract shall exceed the sum of two hundred thousand dollars but less than five hundred thousand dollars, the preference shall be one and one-half per cent for the entire and full amount of bid or contract; and, should such bid or contract exceed five hundred thousand dollars, the preference shall be one per cent of the entire and full amount of the contract. The amount of the bid or contract shall be determined by a reference to the bid submitted by the lowest qualified bidder. The governing body concerned shall require of the contractor to whom the contract is awarded a bond complying with chapter 1 of this title. Such board shall have the power to reject any and all bids and may advertise anew in accordance herewith until a satisfactory bid is received.

Approved March 12, 1953.

CHAPTER 282

S. B. No. 168

(Kusler, Welander, Freed, Klusmann, Meidinger and Wog)

**COMPETITIVE BIDS FOR PUBLIC CONSTRUCTION;
PREFERENCE FOR NORTH DAKOTA PRODUCTS****AN ACT**

To amend and reenact section 48-0210 of the North Dakota Revised Code of 1943 to require competitive bids for materials, products, and supplies, found, produced or manufactured in North Dakota from native natural resources, and requiring a preference for such North Dakota products if at least equal in quality and price to out-of-state products, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 48-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

48-0210. § 1. MATERIAL PRODUCED IN STATE; COMPETITIVE BIDS TO BE USED.) All boards or commissions purchasing material for use in making alterations, repairs, or additions, or in erecting new buildings, and all contractors making such alterations, repairs, or additions, or erecting new buildings or improvements therewith or pertaining thereto if the total cost of such improvements or work thereon amounts to more than three thousand dollars shall, if such material is found, produced, or manufactured in North Dakota from native natural resources, be obtained on competitive bids; such boards or commissions shall provide or adopt such separate or supplemental specifications as to materials to be used as are necessary to obtain competitive bids thereon;

§ 2. ADVERTISING FOR BIDS.) Advertisement for bids for such materials as are produced in North Dakota shall be made in accordance with section 48-0203, 48-0204, and 48-0205 in the North Dakota Revised Code of 1943, and may be included as a part of any advertisement for other items of the improvement. Each bid for furnishing materials produced in North Dakota shall be required to contain the bidder's certificate as to where the product is found, produced, or manufactured in the state of North Dakota.

§ 3. OPENING BIDS, AWARD OF CONTRACTS, PREFERENCE FOR NATIVE PRODUCTS.) At the time and place specified in the

notice the governing body shall open publicly and read aloud all bids received and may reject all bids or award the contract to the lowest and best bidder. If there be one or more bids for furnishing materials, products and supplies which are found, produced or manufactured within the state of North Dakota from native natural resources, the lowest of such bids shall be preferred over any bids for furnishing such materials, products, and supplies which are not found, produced or manufactured in North Dakota from native natural resources, unless the accepting of such lowest bid would result in the furnishing of material which could not be supplied in sufficient quantities to meet the needs of the purchaser or of a quality which is not at least equal to out-of-state products when tested by recognized national standards of the industry, in which the producer of the material offered is engaged, and if such North Dakota products are not higher in price than the non-North Dakota product, or are not priced inconsistent with the value thereof. If the bid of the North Dakota supplier is rejected as not being of quality at least equal to out-of-state products, the reason why such North Dakota materials, products and supplies are not reasonably equal to the out-of-state products under recognized standards of the industry shall be reduced to writing, made a matter of record, and be furnished to the North Dakota bidders.

§ 4. VIOLATIONS REMEDY.) Any contract entered into or carried out in violation of the provisions of this Act shall be void to the full extent of its provisions relating to North Dakota products and any such contract or purchase order shall be unenforceable in any court.

Any person who shall have submitted a bid shall have the right to maintain an action in equity to prevent the violation of the terms of this Act within 15 days after the letting of the contract.

§ 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 21, 1953.

PUBLIC UTILITIES

CHAPTER 283

S. B. No. 241
(Committee on Judiciary)

VALUATION OF PROPERTY OF PUBLIC UTILITIES FOR RATE MAKING PURPOSES

AN ACT

To amend and reenact section 49-0202 of the North Dakota Revised Code of 1943 relating to valuation of property of public utilities for rate making purposes.

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

§ 1. AMENDMENT.) Section 49-0202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0202. POWERS OF PUBLIC SERVICE COMMISSION WITH REFERENCE TO PUBLIC UTILITIES.) The commission shall have power:

1. To investigate all methods and practices of public utilities or other persons, subject to the provisions of this title;
2. To require them to conform to the laws of this state and to all rules, regulations, and orders of the commission not contrary to law;
3. To require copies of reports, rates, classifications, schedules, and time tables in effect and used by such utilities or other persons and all other information desired by the commission relating to such investigations and requirements to be filed with the commission;
4. To compel obedience to its lawful orders by proceedings of mandamus or injunction or other proper proceedings, in the name of the state, in any court having jurisdiction of the parties or of the subject matter;
5. To shorten the period for which notice shall be given prior to hearing, when good cause exists for such action. Such notice, however, shall be reasonable in view of the nature, scope, and importance of the hearing; and

6. The public service commission may in its discretion require proof that no unreasonable profit is made in the sale of materials to or services supplied for any utility company by any firm or corporation owned or controlled directly or indirectly by such utility company or any affiliate, subsidiary, parent company, associate, or any corporation whose controlling stockholders are also controlling stockholders of such utility company, before permitting the value of said materials or services to be included in valuations or cost of operations for rate making purposes. If unreasonable profits have been made in any such transactions, valuations of said materials and services may be reduced accordingly.

Approved March 16, 1953.

CHAPTER 284

H. B. No. 765

(Andrew Benson, Acheson, Haugen, Wollitz)

CHARGES FOR RAISING AND LOWERING OF ELECTRIC
SUPPLY AND COMMUNICATION LINES

AN ACT

To amend and reenact section 49-0222 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 2 of chapter 306 of the 1947 Session Laws for the State of North Dakota, relating to charges for raising and lowering of the electric supply and communication lines.

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

§ 1. AMENDMENT.) Section 49-0222 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 2 of chapter 306 of the North Dakota session laws of 1947, is hereby amended and reenacted to read as follows:

49-0222. CHARGES FOR RAISING AND LOWERING LINES; REIMBURSEMENT FOR UNREASONABLE DELAY.) 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; provided however, that any person, firm or corporation in charge of electric supply or communication lines, who shall fail, except for good cause, to have said lines raised or lowered to permit the movement of buildings or other bulky objects at the time agreed upon, shall be liable for reasonable costs, damages and expenses occasioned by such unreasonable delay.

Approved February 27, 1953.

CHAPTER 285

H. B. No. 576

(Holand, Thompson, Haugen, Bourgois, Hofstrand, and Roen)

CONSTRUCTION AND EXTENSION OF LINES, PLANT, OR SYSTEM OF PUBLIC UTILITIES

AN ACT

To amend and reenact sections 49-0301, 49-0305, and 49-2010 of the North Dakota Revised Code of 1943, relating to construction and extension of line, plant, or system of public utilities, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 49-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0301. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; SECURED BY PUBLIC UTILITY.) No public utility henceforth shall begin in the construction or operation of a public utility plant or system or extension thereof, without first obtaining from the commission a certificate that public convenience and necessity require or will require such construction and operation. This section shall not be construed to require any such public utility to secure such certificate for:

1. An extension within any municipality or district within which it has lawfully commenced operations;
2. An extension within or to territory already served by it necessary in the ordinary course of its business; or

3. An extension into territory contiguous to that already occupied by it and not receiving similar service from another utility, or electric cooperative corporation or if no certificate of public convenience and necessity has been issued to any other public utility.

If any public utility in constructing or extending its line, plant, or system, unreasonably interferes with or is about to interfere unreasonably with the service or system of any other public utility, or any electric cooperative corporation, the commission on complaint of the public utility or the electric cooperative corporation claiming to be injuriously affected, after notice and hearing as provided in this title, may make such order enforcing this section with respect to such public utility and prescribe such terms and conditions are just and reasonable.

§ 2. AMENDMENT.) Section 49-0305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0305. COMPLAINT FILED BY MUNICIPALITY; OTHER PUBLIC AUTHORITY; UTILITY; ELECTRIC COOPERATIVE CORPORATION; PERSON.) Whenever a public utility engages or is about to engage in construction or operation as described in this chapter without having secured a certificate of public convenience and necessity as required by the provisions of this chapter, or whenever a public utility constructs or extends its line, plant, or system, or supplies, or offers to supply electric service in violation of this chapter, any interested municipality, public authority, utility, electric cooperative corporation, or person, may file a complaint with the commission. The commission thereupon, or upon its own motion without complaint, with or without notice, may make its order requiring the public utility complained of to cease and desist from such construction or operation or other prohibited activity until the further order of the commission. Upon hearing had after due notice given, the commission shall make such order with respect to such public utility and prescribe such terms and conditions as are just and reasonable.

§ 3. AMENDMENT.) Section 49-2010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-2010. COMMISSION MAY REQUIRE EXTENSION OF ELECTRIC TRANSMISSION LINES.) Whenever any city or village, or the inhabitants thereof within, or contiguous to, the territory served by an electric transmission line operated by a public utility subject to the jurisdiction of the commission shall desire to obtain the service furnished by such public utility, the proper

authorities of such city or village, or fifteen percent of the inhabitants thereof, may petition the commission for the extension of such transmission line and service to, into, or through such municipality. The commission thereupon shall enter into an investigation concerning the practicability and reasonableness of such proposed extension and service and the public convenience and necessity to be subserved thereby, and if, after notice and hearing, the commission finds that such extension of line and service is practicable and can be made reasonably, taking into consideration the amount of revenue likely to be derived therefrom and the prospect for a reasonable return to the utility upon the value of such extension, and further finds that public convenience and necessity will be subserved thereby, and that the city, village or territory contiguous thereto is not already receiving electric service from another public utility or electric cooperative corporation, the commission, by its order, shall require the extension of such line and service by such public utility for the purpose of serving such municipality and the inhabitants thereof upon condition that a franchise for such operation be granted to such public utility by the proper authorities of such municipality, and upon such other terms and conditions as may be just and reasonable. A certified copy of such order, when filed with the auditor or clerk of such municipality, shall have the same force and effect as an application by the utility for a franchise. The commission shall fix just and reasonable rates for such service and such reasonable rules and regulations as may be necessary pertaining thereto.

§ 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 12, 1953.

CHAPTER 286

H. B. No. 597
(Benson and Acheson and Arndt)

WINDSHIELDS, ETC., FOR RAILROAD TRACK MOTOR CARS

AN ACT

To provide for the installation of windshields, windshield wipers and, upon request canopy or tops on track motor cars operated by railroads and providing a penalty.

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

§ 1.) From any after January 1, 1954, every person, firm or corporation operating or controlling any railroad running through or within this state shall equip each of its track motor cars with:

1. A windshield and windshield wiper for cleaning rain, snow and other moisture from said windshield. Such windshield wiper shall be maintained in good order and so constructed as to be controlled or operated by operator of said track motor car.

§ 2.) From and after January 1, 1954, every person, firm or corporation operating or controlling any railroad running through or within this state shall, upon request of the foreman, equip each of its track motor cars with a canopy or top of such construction as to adequately protect the occupants of said track motor cars from the rays of the sun, rain or inclement weather.

§ 3. PENALTY.) Any person, firm or corporation operating or controlling any railroad running through or within this state, using or permitting to be used on its line in this state a track motor car in violation of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of one hundred dollars for each violation.

Approved March 10, 1953.

CHAPTER 287

S. B. No. 124
(Bridston)

COMMON OR CONTRACT CARRIER; INSURANCE OR BOND
REQUIRED FOR GRANTING A CERTIFICATE
OF PUBLIC CONVENIENCE

AN ACT

Relating to motor carriers; amending and reenacting section 49-1833 of the North Dakota Revised Code of 1943; and providing that the commission in granting a certificate to a motor carrier require the filing of insurance or bond.

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

§ 1. AMENDMENT.) Section 49-1833 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1833. INSURANCE OR BOND REQUIRED OF COMMON OR CONTRACT CARRIER; LIABILITY OF INSURER AND SURETY; TRIAL.) The commission in granting a certificate to any common motor carrier and in granting a permit to any contract carrier shall require the owner or operator first to procure either liability and property damage insurance or a surety bond to be approved by the commission as to the form, sufficiency, and surety thereof and written by a company authorized to write such insurance in this state in an amount to be designated by the commission. The conditions of such liability insurance or surety bond shall be such as to guaranty the payment of any loss or damage to property, or on account of the death of or injury to persons, resulting from the negligence of such carrier. In any action for damages resulting from the negligence of such carrier, the insurer or surety shall not be joined as a party defendant nor shall the fact of the ultimate liability of such insurer or surety be disclosed or commented on to the jury. Upon final judgment the insurer or surety shall become liable directly to the owner of such judgment for the full amount thereof but not exceeding the amount of the policy of insurance or surety bond applicable to such loss. Each insurance policy or bond so required shall be filed with the commission and shall be kept in full force and effect, and upon the failure to do so the certificate or permit shall be revoked and cancelled; provided that, a certificate of any company authorized to write liability or property damage insurance in the state, in

a form approved by the commission and certifying that there is in effect a liability insurance policy required by this section, may be filed in lieu of the policy itself. The commission also shall require the owner or operator first to procure a surety bond, written by a company authorized to write such bond in this state, in an amount to be designated by the commission, to guaranty the payment by the carrier to the shipper or its agent, of all cash or collect on delivery charges collected by said carrier in connection with the operation or conduct of his business as such common motor carrier or contract carrier.

§ 2.) All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 16, 1953.

PUBLIC WELFARE

CHAPTER 288

H. B. No. 641
(Haugland, Haugen, Beede)

RESIDENCE OF MARRIED WOMAN FOR RELIEF PURPOSES

AN ACT

To amend and reenact section 50-0201 of the North Dakota Revised Code of 1943, relating to residence of married woman.

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

§ 1. AMENDMENT.) Section 50-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0201. RESIDENCE OF MARRIED WOMAN.) The residence of a married woman for the purpose of this title follows that of her husband if he has any within or without the state, except that after uninterrupted separation without divorce for a period of one full year a married woman may establish residence in this state for relief purposes. A marriage between a woman who has residence within the state and a man who has no residence within or without the state shall not divest such woman of residence within the state for the purposes of poor relief until she acquires a new residence elsewhere. If a husband deserts his wife within one year after marriage, the wife may reacquire such residence as she had in this state at the time of her marriage.

Approved March 7, 1953.

CHAPTER 289

S. B. No. 243
(Appropriations Committee)

PUBLIC WELFARE RECORDS

AN ACT

To amend and reenact sections 50-0736, 50-0827 and 50-0912 of the North Dakota Revised Code of 1943, and section 34 of chapter 290 of the North Dakota Session Laws of 1951, relating to public welfare records.

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

§ 1. AMENDMENT.) Section 50-0736 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0736. CONFIDENTIAL CHARACTER OF OLD AGE ASSISTANCE RECORD; PENALTY.) All applications, information, and records concerning any applicant or recipient of old age assistance under the provisions of this chapter shall be confidential and shall not be disclosed nor used for any purpose not directly connected with the administration of old age assistance; except that upon the personal written request of any elected public official the records of the names, addresses, and amounts of assistance shall be open for his inspection by the state or county welfare board. Such information shall not be used for any political or commercial purpose or made public in any manner. Any person using any application, information, or records concerning any applicant or recipient beyond his official capacity or for purposes not directly connected with the administration of old age assistance is guilty of a misdemeanor.

§ 2. AMENDMENT.) Section 50-0827 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0827. AID TO THE BLIND RECORDS; RULES GOVERNING; USE OF.) The state agency may establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the state and county agencies. Such rules and regulations shall provide that upon the personal written request of any elected public official the records of the names, addresses and amounts of assistance shall be opened for his inspection by the state or county welfare board. Such information shall not be used

for any political or commercial purpose or made public in any manner. The use of such records, papers, files, and communications by any other agency, department or government official to which they may be furnished shall be limited to the purposes for which they are furnished. Such office or official shall make adequate regulations or orders, consistent with the rules and regulations of the state agency, for the custody and use of such documents in its possession.

§ 3. AMENDMENT.) Section 50-0912 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0912. RECORDS: STATE AGENCY TO MAKE RULES GOVERNING; USE OF BY OTHER AGENCIES LIMITED.) The rule-making power of the state agency shall include the power to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the state and county agencies. Such rules and regulations shall provide that upon the personal written request of any elected public official the state or county welfare board shall open for his inspection the records of the names, addresses and amounts of assistance, except that foster home cases involving unmarried mothers shall not be so open for such inspection. Such information shall not be used for any political or commercial purpose or made public in any manner. The use of such records, papers, files and communications by any other agency, department or government official to which they may be furnished shall be limited to the purposes for which they are furnished. Such office or official shall make adequate regulations or orders, consistent with the rules and regulations of the state agency, for the custody and use of such documents in its possession.

§ 4. AMENDMENT.) Section 34 of chapter 290 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 34. CONFIDENTIAL CHARACTER OF AID TO THE PERMANENTLY AND TOTALLY DISABLED RECORDS; PENALTY.) All applications, information and records concerning any applicant or recipient of aid shall be confidential and shall not be disclosed or used for any purpose except for purposes directly connected with the administration of aid of this Act, except that upon the personal written request of any elected public official the records of the names, addresses and amounts of assistance shall be open for his inspection by the state or county welfare board. Such information shall not be used for any political or commercial purpose or made public in any manner. Any person using any application, information or records concern-

ing any applicant or recipient for purposes beyond his official capacity or not directly connected with the administration of aid to disabled persons is guilty of a misdemeanor.

Approved March 13, 1953.

CHAPTER 290

H. B. No. 550
(Legislative Research Committee)
(at the request of the Public Welfare Board)

CLAIMS FOR OLD AGE ASSISTANCE OR AID TO PERMANENTLY
DISABLED NOT WITHIN STATUTE OF LIMITATIONS

AN ACT

Relating to the statute of limitations as it pertains to certain claims
of the State of North Dakota.

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

§ 1. STATUTE OF LIMITATIONS SHALL NOT RUN.) The statute
of limitations shall not run against claims of the state of North
Dakota for repayment of old age assistance or aid to the per-
manently and totally disabled.

Approved February 3, 1953.

SALES AND EXCHANGE

CHAPTER 291

H. B. No. 659

(Sailer, Sticka, Gress, Fitch, Wolf of McIntosh)

FULL INFORMATION AS TO INSURANCE PROTECTION TO BE FURNISHED PURCHASERS OF FINANCED AUTOMOBILES; PENALTIES

AN ACT

Requiring that purchasers of financed automobiles be fully informed as to the kind of coverage required, the cost thereof independent of finance charges, and warned when such insurance does not provide automobile liability insurance for bodily injury or property damage, and providing for penalties.

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

§ 1. INFORMATION TO BE FURNISHED.) Purchasers of automobiles under sales finance contracts, when required by a dealer, bank or other finance agency or company, to furnish insurance on any motor vehicle, in connection with the financing of such motor vehicle, shall be furnished by the seller evidence of the insurance protection. Such insurance evidence must be in the form of a regular insurance binder or policy or certificate of insurance. The original policy or certificate of insurance clearly stating the coverage afforded by the policy shall be delivered to the purchaser within a reasonable time after execution of the insurance order. The certificate shall display the premium charged for each coverage afforded.

§ 2. WARNING TO PURCHASER-OWNER OF AUTOMOBILE.) If the insurance required by any dealer, bank, or other finance agency or company does not provide insurance for bodily injury liability and/or property damage liability, then the policy of insurance or the certificate of insurance, if the policy is filed with the payee, shall have imprinted or stamped thereon a notice that such policy does not include bodily injury liability and/or property damage liability insurance. The imprinting or stamping of such notice shall be in such manner or form as may be approved by the commissioner of insurance.

§ 3. PENALTY.) Any person, firm or corporation, or officer or agent of any person, firm or corporation failing to comply with the provisions of this Act shall be guilty of a misdemean-

or, and shall, upon conviction 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.

Approved March 5, 1953.

CHAPTER 292

S. B. No. 224
(Judiciary Committee)

TRANSIENT MERCHANTS LICENSE

AN ACT

To amend and reenact sections 51-0401 and 51-0402 of the North Dakota Revised Code of 1943, relating to licensing of transient merchants.

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

§ 1. AMENDMENT.) Section 51-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

51-0401. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Transient merchant" means one who engages in the vending or sale of merchandise at any place temporarily and who does not intend to become and does not become a permanent merchant of such place and each agent or sales person of such person or corporation; and
2. "Merchandise" shall not include any agricultural product.

§ 2. AMENDMENT.) Section 51-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

51-0402. TRANSIENT MERCHANT'S LICENSE REQUIRED.) No person, whether self-employed or the agent of another, shall engage in or follow the business or occupation of a transient merchant at any place in this state without first obtaining a license authorizing him to do so.

Approved March 13, 1953.

CHAPTER 293

H. B. No. 647
(Lynch, Brown and Beede)

REPEALING USE OF TRADING STAMPS
AND SIMILAR DEVICES

AN ACT

To repeal chapter 51-06 of the North Dakota Revised Code of 1943,
relating to the use of trading stamps and similar devices.

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

§ 1. REPEAL.) Chapter 51-06 of the North Dakota Revised
Code of 1943 is hereby repealed.

Approved March 4, 1953.

SOCIAL WELFARE

CHAPTER 294

H. B. No. 851
(Delayed Bills Committee)

TITLE TO REAL PROPERTY ACQUIRED WITH FEDERAL FUNDS BY UNEMPLOYMENT COMPENSATION DIVISION AND/OR STATE EMPLOYMENT SERVICE TO VEST IN NORTH DAKOTA

AN ACT

To create section 52-0216 relating to title to real property acquired with federal funds.

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

§ 1.) Section 52-0216 of the North Dakota Revised Code of 1943 is hereby created to read as follows:

52-0216. TITLE TO REAL PROPERTY ACQUIRED WITH FEDERAL FUNDS.) The state of North Dakota is hereby authorized to receive and accept title to real property which may be acquired under rental purchase agreements executed or to be executed by the bureau for the North Dakota unemployment compensation division and/or the North Dakota state employment service; provided, however, that such property shall be acquired without appropriation by the state of North Dakota and the cost thereof shall be defrayed by federal funds made available for the administration of the act; sufficiency of title to any property acquired hereunder shall be approved by the attorney general prior to conveyance by general warranty deed to the state of North Dakota; Provided, further, that any property acquired under authority hereof shall be utilized primarily for the use and benefit of the North Dakota unemployment compensation division and/or the North Dakota state employment service, or its successors and after acquisition thereof said property may be occupied by said North Dakota unemployment compensation division and/or the North Dakota state employment service at no cost other than maintenance.

Approved March 5, 1953.

CHAPTER 295

H. B. No. 543
(Legislative Research Committee)
(at the request of)
(The Workmen's Compensation Bureau)

RATES AND BASE OF WAGE CONTRIBUTIONS
PAID BY EMPLOYER

AN ACT

To amend and reenact section 52-0403 of chapter 294 of the North Dakota Session Laws of 1951, relating to employer's contributions under the unemployment compensation law.

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

§ 1. AMENDMENT.) Section 52-0403 of chapter 294 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

52-0403. RATES AND BASE OF CONTRIBUTIONS OF WAGES PAID BY EMPLOYER.) Each employer shall pay contributions equal to two and seven-tenths per cent of wages paid by him during the calendar year with respect to employment, except as otherwise provided in this chapter. For the purposes of this chapter and subsequent to January 1, 1951, wages shall not include that part of remuneration which after remuneration equal to three thousand dollars has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this chapter, the term employment shall include service constituting employment under any employment security law of another state or of the federal government.

Approved February 17, 1953.

CHAPTER 296

H. B. No. 544
(Legislative Research Committee)
(at the request of the)
(Workmen's Compensation Bureau)

VARIATIONS IN STANDARD RATES OF CONTRIBUTIONS
IN UNEMPLOYMENT COMPENSATION

AN ACT

To amend and reenact subsection 1 of section 52-0406 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to unemployment compensation.

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

§ 1. AMENDMENT.) Subsection 1 of section 52-0406 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. (a) For the calendar year 1954 and for each calendar year thereafter the bureau shall determine the ratio of reserves for the payment of benefits as of December thirty-first of the preceding calendar year, to taxable wages for such preceding calendar year which have been reported to the bureau on or before January thirty-first of the succeeding calendar year. If such ratio is:
 - a. Less than nine per cent, the schedule of rates at column I will be in effect;
 - b. Nine percent but less than ten percent, the schedule of rates at column II will be in effect;
 - c. Ten percent or more, the schedule of rates at column III will be in effect.

The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before January thirty-first of any year, with respect to wages paid by him prior to the first day of January of that calendar year, exceeds the cumulative benefits which were chargeable to his account and paid on or before December thirty-first of the preceding calendar year, shall be such employer's reserve ratio. Such employer's contribution rate for the ensuing calendar year will be the rate of contribution on the line in the schedule of rates opposite his reserve ratio as established for that year.

Schedule of rates:

Employer's Reserve Ratio	Column I	Column II	Column III
Less than 1%	2.7	2.7	2.7
1% but less than 2%.....	2.7	2.7	2.5
2% but less than 3%.....	2.7	2.5	2.3
3% but less than 4%.....	2.5	2.3	2.1
4% but less than 5%.....	2.3	2.1	1.9
5% but less than 6%.....	2.1	1.9	1.7
6% but less than 7%.....	1.9	1.7	1.5
7% but less than 8%.....	1.7	1.5	1.3
8% but less than 9%.....	1.5	1.3	1.1
9% but less than 10%.....	1.3	1.1	.9
10% but less than 11%.....	1.1	.9	.7
11% but less than 12%.....	.9	.7	.5
12% but less than 13%.....	.7	.5	.3
13% but less than 14%.....	.5	.3	.1
14% but less than 15%.....	.3	.1	.1
15% or over1	.1	.1

(b) Any employer may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this section, and such amount shall be credited to his separate account. His rate of contribution shall be computed or recomputed with such amount included in the calculation. Such contributions voluntarily paid shall not be refunded or used as a credit in the payment of contributions in whole or in part. In no event shall any such amount be included in the computation or recomputation for any year unless it is paid within one hundred twenty days after the beginning of such year.

Approved March 11, 1953.

CHAPTER 297

S. B. No. 48
(Legislative Research Committee)
(at the request of the)
(North Dakota Workmen's Compensation Bureau)

BENEFITS AND EXEMPTIONS, UNEMPLOYMENT
COMPENSATION

AN ACT

To amend and reenact section 52-0407 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to benefits and exemptions under the unemployment compensation law and repealing subsections 9 and 10 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) Section 52-0407 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0407. BENEFITS PAID CHARGEABLE TO ACCOUNTS OF BASE-PERIOD EMPLOYERS; EXEMPTIONS.)

1. Benefits paid to an individual shall be charged against the accounts of his base-period employers. The amount of benefits so chargeable against each base-period employer's account shall bear the same ratio to the total benefits paid to an individual as the base-period wages paid to the individual by such employer bear to the total amount of the base-period wages paid to the individual by all his base-period employers.
2. Notwithstanding the provisions of subsection 1 of this section, an employer's account shall not be charged with benefits paid an individual if it is found by the bureau that such benefits are based on wages earned from such employer prior to the individual's separation from work from such employer by reason of his discharge for misconduct connected with his work or voluntary leaving without good cause or with good cause not involving fault on the part of such employer.

§ 2. REPEAL.) Subsections 9 and 10 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 13, 1953.

CHAPTER 298

H. B. No. 545

(Legislative Research Committee)

(at the request of the)

(North Dakota Workmen's Compensation Bureau)

DISQUALIFICATION FOR UNEMPLOYMENT
COMPENSATION BENEFITS

AN ACT

To amend and reenact subsections 1, 2 and 6 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to disqualification for benefits under the unemployment compensation law.

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

§ 1. AMENDMENT.) Subsection 1 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. For the week in which he has filed an otherwise valid claim for benefits after he has left his last employment voluntarily without good cause, and for not more than the seven consecutive weeks which immediately follow the week in which said valid claim was filed, as determined according to the circumstances in each case;

§ 2. AMENDMENT.) Subsection 2 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. For the week in which he has filed an otherwise valid claim for benefits after he has been discharged for misconduct in connection with his last employment, and for not more than the ten consecutive weeks which immediately follow the week in which said valid claim was filed, as determined according to the circumstances in each case;

§ 3. AMENDMENT.) Subsection 6 of section 52-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. For any week of unemployment if such individual has left his most recent work for the purposes of attending an educational institution; or if the individual is a student registered for full attendance at and is regularly attending an established school, college or university, or is on vacation within the school term.

Approved February 17, 1953.

CHAPTER 299

S. B. No. 47
(Legislative Research Committee)
(at the request of the)
(Unemployment Compensation Division of the)
(North Dakota Workmen's Compensation Bureau)

AMOUNTS OF UNEMPLOYMENT COMPENSATION BENEFITS

AN ACT

To amend and reenact section 52-0604 of chapter 293 of the 1951 Session Laws of the State of North Dakota, relating to amount of benefits, qualifying wage and definitions under the unemployment compensation law.

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

§ 1. AMENDMENT.) Section 52-0604 of chapter 293 of the 1951 session laws of the state of North Dakota relating to amount of benefits, qualifying wage and definitions under the unemployment compensation law.

52-0604. AMOUNT OF BENEFITS: TABLE; QUALIFYING WAGE; DEFINITIONS.)

1. WEEKLY BENEFIT AMOUNT. Except as provided in subsection 2 of this section an insured worker's basic weekly benefit amount shall be the amount in column B of the table in this subsection on the line on which, in column A, there appears his total wages paid for insured work in that quarter of his base period in which such total wages were highest; and his augmented benefit amount, if he has dependents, shall be the amount on the same line in the column E, F, or G of the table in this subsection which shows the number of his dependents. The number of dependents shall be determined as of the day with respect to which he first files a request for a determination of insured status in any benefit year, and shall be fixed for the duration of such benefit year, and for the duration of such benefit year no dependent who has been included in the determination shall be included as a dependent in any determination which is made on behalf of another insured worker.

No dependent's allowance shall be payable with respect to any week unless unemployment benefits are also payable with respect to such week.

Column A High Quarter Wages	Column B Basic Weekly Benefit Amount	Column C Minimum Qualifying Wage	Column D Maximum Potential Basic Benefits
\$ 52.50-\$168.00	\$ 7	\$210	\$140
168.01- 192.00	8	240	160
192.01- 216.00	9	270	180
216.01- 240.00	10	300	200
240.01- 264.00	11	330	220
264.01- 288.00	12	360	240
288.01- 312.00	13	390	260
312.01- 336.00	14	420	280
336.01- 360.00	15	450	300
360.01- 384.00	16	480	320
384.01- 408.00	17	510	340
408.01- 432.00	18	540	360
432.01- 456.00	19	570	380
456.01- 480.00	20	600	400
480.01- 504.00	21	630	420
504.01- 528.00	22	660	440
528.01- 552.00	23	690	460
552.01- 576.00	24	720	480
576.01- 602.00	25	750	500
602.01- and over	26	780	520

Augmented Weekly Benefit Amount

Column E 1 Dependent	Column F 2 Dependents	Column G 3 or more Dependents
\$ 9	\$10	\$10
10	12	12
11	13	13
12	14	15
13	15	16
14	16	18
15	17	19
16	18	20
17	19	21
18	20	22
19	21	23
20	22	24
21	23	25
22	24	26
23	25	27
24	26	28
25	27	29
26	28	30
27	29	31
28	30	32

Approved March 11, 1953.

CHAPTER 300

S. B. No. 49
(Legislative Research Committee)
(at the request of the)
(Unemployment Compensation Division of the Workmen's)
(Compensation Bureau)

NOTICE OF APPEAL; APPEAL; REVIEW OF APPEAL
TRIBUNAL'S DECISION BY BUREAU IN UNEM-
PLOYMENT COMPENSATION CASES

AN ACT

To amend and reenact sections 52-0613, 52-0615 and 52-0619 of the North Dakota Revised Code of 1943, relating to notice of appeal from determination, appeal tribunal's decision and review of decision of appeal tribunal by the Bureau as used in the North Dakota Unemployment Compensation Law.

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

§ 1. AMENDMENT.) Section 52-0613 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0613. NOTICE OF APPEAL FROM DETERMINATION; FILING; HEARING; SPECIAL NOTICE REQUIRED.) The claimant or any other party entitled to a notice of a determination as provided in this title may file an appeal from such determination with the appeal tribunal within twelve days after the date of mailing of the notice to his last known address or, if such notice is not mailed, within twelve days after the service of such notice. Unless the appeal is withdrawn with the permission of the appeal tribunal or is removed to the bureau, the appeal tribunal after affording the parties reasonable opportunity for a fair hearing shall make findings and conclusions and on the basis thereof shall affirm, modify, or reverse such determination. Whenever an appeal involves a question as to whether services were performed by claimant in employment or for an employer, the tribunal shall give special notice of such issue and of the pendency of the appeal to the employing unit and to the bureau, both of whom thenceforth shall be parties to the proceeding and shall be afforded a reasonable opportunity to adduce evidence bearing on such question.

§ 2. AMENDMENT.) Section 52-0615 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0615. APPEAL TRIBUNAL'S DECISION: COPY TO BE FURNISHED; TO BE FINAL; EXCEPTION.) The parties shall be notified promptly of an appeal tribunal's decision upon an appeal taken as is provided in section 52-0613 and shall be furnished with a copy of the decision and the findings and conclusions in support thereof. Such decision shall be final unless, within twelve days after the date of mailing the notice thereof to the party's last known address, or in the absence of such mailing, within twelve days after the delivery of such notice, further review is initiated pursuant to section 52-0616, subsection 3.

§ 3. AMENDMENT.) Section 52-0619 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0619. REVIEW OF DECISION OF APPEAL TRIBUNAL BY THE BUREAU.) The bureau, on its own motion, and within the time specified in section 52-0615, may initiate a review of the decision of the appeal tribunal or may allow an appeal from such decision upon an application filed within such time by any party entitled to notice of such decision. An appeal filed by such parties shall be allowed as a matter of right if such decision was not unanimous, or if the examiner's determination was not affirmed by the appeal tribunal. Upon a review on its own motion, or upon an appeal, the bureau upon the basis of the evidence previously submitted in such case or upon the basis of such additional evidence as it may direct to be taken, may affirm, modify, or reverse the findings and conclusions of the appeal tribunal. The bureau may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings removed to the bureau prior to the completion of a fair hearing shall be heard by the bureau in the same manner as proceedings before an appeal tribunal. The bureau shall notify promptly the parties to any proceeding before it of its decision, including its findings and conclusions in support thereof. Such decision shall be final unless within twelve days after the mailing of a notice thereof to the party's last known address, or in the absence of such mailing, within twelve days after service of such notice, a proceeding for a judicial review is initiated pursuant to section 52-0627. Upon a denial by the bureau of an application for appeal from the decision of the appeal tribunal, the decision of the appeal tribunal shall be deemed to be a decision of the bureau within the meaning of this section for the purposes of judicial review and shall be subject to judicial review within the time and in the manner provided with respect to decisions of the bureau, except that the time for initiating such review shall run from the date of notice of the order by the bureau denying the application for appeal.

Approved March 16, 1953.

CHAPTER 301

H. B. No. 546
(Legislative Research Committee)
(at the request of)
(Unemployment Compensation Division of the Workmen's)
(Compensation Bureau)

DEDUCTIONS FROM AND ADDITIONS TO UNEMPLOYMENT
COMPENSATION BENEFITS

AN ACT

To amend and reenact subsection D and to create subsection G of section 52-0915 and to amend and reenact subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement of public employees.

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

§ 1. AMENDMENT.) Subsection D of section 52-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- 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 chapter 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.
 - (3) Such individual rendered services for the state of North Dakota or any of its political subdivisions or instrumentalities for wages of seventy-five dollars or more.

§ 2. AMENDMENT.) Subsection G of section 52-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby created to read as follows:

G. A wife or child entitled to a wife's or child's insurance benefit will not be entitled to a benefit for any month in which the individual, with respect to whose wages such benefit was payable, rendered services for the state of North Dakota or any of its political subdivisions or instrumentalities, for wages of seventy-five dollars or more.

§ 3. AMENDMENT.) Subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 as amended is hereby amended and reenacted to read as follows:

1. He had not less than one quarter of coverage for each of two of the quarters elapsing after July 1, 1947, and up to but excluding the quarter in which he retired after he had obtained the age of sixty-five, or died, whichever first occurred; or

Approved February 17, 1953.

CHAPTER 302

S. B. No. 55

(Legislative Research Committee)

(at the request of the)

(Unemployment Compensation Division of the Workmen's)

(Compensation Bureau)

REFUNDS OF OLD AGE AND SURVIVOR'S INSURANCE SYSTEM

AN ACT

To amend and reenact subsection A of section 52-0921 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to refunds as used in the North Dakota old age and survivor insurance system law.

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

§ 1. AMENDMENT.) Subsection A of section 52-0921 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0921. REFUNDS.)

A. Any individual, who has not been employed in at least

1. half of the twelve quarters immediately preceding the quarter in which he terminated his employment, or
2. one-half the quarters elapsing after July 1, 1947, and up to, but excluding the quarter in which he terminated his employment

may withdraw from the fund, or his eligible survivor may withdraw from the fund, the employee's individual contributions paid to said fund for such period of employment, without interest. Any individual who receives a refund under this subsection will not be entitled to credit for a benefit determination for any quarter or quarters for which a refund has been paid.

Approved March 6, 1953.

CHAPTER 303

H. B. No. 669

(Haugland, Lynch, Gefreh, Larson of Burleigh,
(Bourgeois, Brown, Thompson and Haugen)

COVERAGE UNDER OLD AGE AND SURVIVORS INSURANCE SYSTEM

AN ACT

To amend and reenact subsection M of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended and reenacted by chapter 298 of the 1951 Session Laws, relating to coverage under the state old age and survivors insurance system of North Dakota, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended and reenacted by chapter 298 session laws of 1951, is hereby amended and reenacted to read as follows:

52-0920. SUBDIVISION M. COVERAGE OF OLD AGE AND SURVIVORS INSURANCE SYSTEM.) M. Members of the state legislative assembly, officials of the state, city, village, township, county, and other governmental instrumentalities elected by the vote of the people may be covered by this act. Employees who are members of any other retirement system in the state which is maintained in whole or in part by public contributions unless such political subdivision or its instrumentalities as a whole elect to adopt this system are exempt from the provisions of this Act. Such officials may individually elect to adopt this

system by application to the bureau for such coverage. Such coverage may, at the option of the applicant, be made retroactive to January 1, 1950, upon payment by the applicant of his accrued contribution for the retroactive period. Any such official who has heretofore in good faith made such payment shall automatically be covered from January 1, 1950, upon proof of such payment.

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

Approved March 4, 1953.

CHAPTER 304

S. B. No. 215
(Thomas and Schoeder)

OLD AGE AND SURVIVOR INSURANCE COVERAGE FOR CIVILIAN EMPLOYEES OF THE NORTH DAKOTA NATIONAL GUARD

AN ACT

To create subdivision 3 of subsection B of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, authorizing the director of the unemployment compensation division to enter into an agreement with the social security administrator for old age and survivor insurance coverage for civilian employees of the North Dakota national guard.

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

§ 1. AMENDMENT.) Subdivision 3 of subsection B of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby created to read as follows:

3. The director of the North Dakota unemployment compensation division is hereby authorized to enter into an agreement with the federal security agency, social security administration, bureau of old age and survivors insurance to provide coverage for national guard state civilian employees under the old age and survivor insurance provisions of the social security act as provided in section 218 of the social security act amendments of 1950. (Public Law 734, 81st congress). For the purposes of the agreement the director is authorized to make such collections, contributions and reports as may be required by the federal agency under the terms of the agreement.

Approved March 13, 1953.

STATE GOVERNMENT

CHAPTER 305

S. B. No. 53
(Legislative Research Committee)
(at the request of Attorney General)

APPOINTMENT OF ADDITIONAL ASSISTANT ATTORNEYS GENERAL

AN ACT

To amend and reenact section 54-1206 of the North Dakota Revised Code of 1943, providing for the appointment of additional assistants to the attorney general.

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

§ 1. AMENDMENT.) Section 54-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1206. ASSISTANT ATTORNEYS GENERAL; ATTORNEY GENERAL MAY APPOINT.) The attorney general may appoint five assistant attorneys general whose appointment shall be in writing and filed in the office of the secretary of state.

Approved March 4, 1953.

CHAPTER 306

S. B. No. 173
(Johnson)

SALARY OF ASSISTANT ATTORNEY GENERAL FOR BOARD OF UNIVERSITY AND SCHOOL LANDS; REPEAL

AN ACT

To repeal section 54-12091 of the 1949 Supplement of the North Dakota Revised Code of 1943 relating to salary of assistant attorney general for board of university and school lands.

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

§ 1. REPEAL.) Section 54-12091 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 2, 1953.

CHAPTER 307

H. B. No. 827
(Haugen, Beede and Nygaard)

TRANSFER TO GENERAL FUND OF SURPLUS IN
NORTH DAKOTA REAL ESTATE BOND FUND

AN ACT

To amend and reenact section 54-3011 of the North Dakota Revised Code of 1943 relating to North Dakota real estate bonds; and providing for the transfer to the general fund of any surplus after the maturity and payment of said bonds.

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

§ 1. AMENDMENT.) Section 54-3011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3011. PAYMENT OF ASSIGNED MORTGAGE; TO WHOM MADE; HOW MONEY USED.) After the Bank of North Dakota, under the provisions of this chapter, has assigned any mortgage, and the obligation thereby secured, all payments accrued thereon shall be made to the state treasurer. He shall hold and use the mortgage obligations and moneys paid thereon in trust for:

1. The security and payment of bonds to be issued as provided in this chapter; and
2. Delivery to the general fund of the state of North Dakota of such remaining part or balance thereof as may come within the provisions stated in this chapter.

Approved March 7, 1953.

SUCCESSION AND WILLS

CHAPTER 308

S. B. No. 84
(Judiciary Committee)

ORDER OF SUCCESSION TO PROPERTY

AN ACT

To amend and reenact subdivisions a, b, and d of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943, relating to the order of succession to property.

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

§ 1. AMENDMENT.) Subdivision a of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

a. No issue, and the estate does not exceed in value the sum of twenty-five thousand dollars, all the estate goes to the surviving husband or wife;

§ 2. AMENDMENT.) Subdivision b of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

b. No issue, and the estate exceeds in value the sum of twenty-five thousand dollars, all of the estate in excess in value of such sum goes, one-half to the surviving husband or wife, and the other one-half to the decedent's father and mother in equal shares, and, if either is dead, to the survivor;

§ 3. AMENDMENT.) Subdivision d of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

d. No issue, and both the father and mother are dead, and the estate exceeds in value the sum of fifty thousand dollars, all of the estate in excess of such sum in value goes, one-half thereof to the surviving husband or wife, and if the decedent leaves brothers or sisters or children of deceased brothers or sisters, then the other one-half thereof goes in equal shares to the brothers or sisters of decedent and to the children of any deceased brother or sister by right of representation.

Approved March 6, 1953.

TAXATION

CHAPTER 309

S. B. No. 263
(Solberg)

REPEAL OF EXEMPTION OF OIL DRILLING RIGS FROM TAXATION

AN ACT

To repeal section 57-0219 of the North Dakota Revised Code of 1943, relating to exemption of oil drilling rigs from taxation.

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

§ 1. REPEAL.) Section 57-0219 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 7, 1953.

CHAPTER 310

S. B. No. 270
(Delayed Bills Committee)

TAX EXEMPTIONS OF FARM MACHINERY ON WHICH SALES OR USE TAX HAS BEEN PAID

AN ACT

To amend and reenact section 1 of chapter 312 of the North Dakota Session Laws of 1951, relating to exemption from taxation of that part of the value of farm machinery upon which sales or use tax has been paid; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 1 of chapter 312 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

57-0220. EXEMPTION OF FARM MACHINERY FOR ONE YEAR.) That part of the value of farm machinery on which sales or use tax is paid, purchased after August first, to be used by the buyer in his farming operations, shall be exempt to the buyer from the personal property tax which would be assessed and levied against it in the first year after its purchase were this section not in force. No exemption shall be allowed, however, unless the buyer exhibits to the assessor satisfactory written proof that the North Dakota sales or use tax has been paid on such farm machinery. Any dealer in farm machinery may not claim the exemptions provided for in this section even though farm machinery owned by him is used in farming operations.

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

Approved March 7, 1953.

CHAPTER 311

S. B. No. 93
(Stucke, Gronvold and Berube)

ASSESSORS DISTRICTS FOR UNORGANIZED TERRITORY; COMPENSATION OF ASSESSORS

AN ACT

To amend and reenact sections 57-0233 and 58-0902 of the North Dakota Revised Code of 1943, as amended by chapter 313 of the North Dakota Session Laws of 1951, relating to assessors in townships and unorganized territories; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 1 of chapter 313 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

57-0233. ASSESSOR DISTRICTS FOR UNORGANIZED TERRITORY.) All counties or parts of counties in this state not organized into civil townships shall be divided into assessor districts, which shall comprise the same territory as the commissioner districts of said county, excluding organized civil townships and organized cities and villages, and the district assessor thereof shall

be elected at the same time that state officers are elected, and his term of office shall be two years from and after the first day of January following. In case of vacancy in the office of district assessor in any of such districts, such vacancies shall be filled by the board of county commissioners. All assessors of territory not organized into civil townships shall receive as compensation for his services a sum determined by the board of county commissioners not to exceed ten dollars per day, for the time actually and necessarily employed in making and completing the assessment of his district. The compensation shall be paid from the treasury of the county in which such district is located only upon an itemized statement setting forth the actual time spent in the work of the assessor and mileage traveled, approved by the board of county commissioners. No person shall be eligible to be a district assessor unless he is a voter and owner of real estate or personal property in this district. In addition, the district assessor shall be paid such mileage as is required to perform the duties of his office. The board of county commissioners shall have the authority to appoint a deputy assessor where needed, to be compensated in the same manner as the district assessor.

§ 2. AMENDMENT.) Section 2 of chapter 313 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

58-0902. COMPENSATION OF ASSESSOR.) The township assessor shall receive as compensation for his services a sum determined by the board of township supervisors not to exceed ten dollars per day for the time actually and necessarily employed in making and completing the assessment of his township. The compensation shall be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors.

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

Approved March 10, 1953.

CHAPTER 312

S. N. No. 43
(Legislative Research Committee)

REPEAL OF ASSESSMENT OF PETROLEUM PROPERTY

AN ACT

To repeal chapter 57-04 of the North Dakota Revised Code of 1943 relating to assessment of oil refineries.

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

§ 57-04. REPEAL.) Chapter 57-04 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1953.

CHAPTER 313

H. B. No. 665
(Fitch and Crothers)

TAX LEVY BY CITY OR VILLAGE TO ASSIST FIREMEN'S
RELIEF ASSOCIATIONS

AN ACT

Providing for the levy of a tax by cities or municipalities to assist firemen's relief associations, and declaring an emergency.

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

§ 1. TAX LEVY FOR CITY HAVING AN ORGANIZED FIREMEN'S RELIEF ASSOCIATION; LIMITATIONS; DISBURSEMENT.) In addition to any other levies authorized by law for general purposes, any city or village having an organized firemen's relief association as provided for under chapter 18-05 of the North Dakota Revised Code of 1943, may levy an annual tax of not more than one-half of one mill upon its taxable valuation for the purpose of assisting such firemen's relief association in providing for the pension and relief provided for by such association.

§ 2. CITY TREASURER TO DELIVER MONEY TO RELIEF ASSOCIATION.) On the last day of June and December of each year, the treasurer of any municipality covered by this act shall deliver and turn over to the treasurer of any such firemen's relief association, having qualified as provided for in chapter 18-05 of the North Dakota Revised Code of 1943, all moneys collected under the provisions 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 2, 1953.

CHAPTER 314

S. B. No. 129
(Luick, Schmit)

TAX LEVY LIMITATIONS IN CITIES AND VILLAGES

AN ACT

To amend and reenact sections 57-1508 and 57-1509 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to tax levy limitations in cities and villages.

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

§ 1. AMENDMENT.) Section 57-1508 of the 1949 Supplement to 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-six 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. AMENDMENT.) Section 57-1509 of the 1949 Supplement to 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 twenty mills on the net taxable assessed valuation of property in the village.

Approved March 14, 1953.

CHAPTER 315

H. B. No. 673
(Committee on Education)

TAX LEVY FOR COUNTY HIGH SCHOOL EQUALIZATION FUND, AND TAX LEVY LIMITATIONS IN SCHOOL DISTRICTS AND COUNTY HIGH SCHOOL TUITION PAYMENTS

AN ACT

To amend and reenact sections 2, 4 and subsections 1, 2 and 3 of section 10 of chapter 137 of the North Dakota Session Laws of 1951, relating to the levy for the county high school equalization fund, to tax levy limitations in school districts and county high school tuition payments.

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

§ 1. AMENDMENT.) Section 2 of chapter 137 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 2. TAX LEVY FUND.) Each year, at the same time as other county taxes are levied, there shall be levied in each county in the state a tax of two mills on every dollar of the net taxable assessed valuation in the county, which tax levy shall not be included within the tax levy limit otherwise provided by law for counties. The proceeds of such tax shall be covered into the county high school equalization fund.

§ 2. AMENDMENT.) Section 4 of chapter 137 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 4. COUNTY HIGH SCHOOL TUITION PAYMENTS.) Subject to the provisions of this Act, there shall be paid out of the county

high school equalization fund to the schools or school districts of the county, and to any school or school districts of another state receiving payments of high school tuition from the North Dakota state equalization fund for the attendance of any student who is a resident of the county, the sum of two dollars for each week or major fraction thereof of regular enrollment during the preceding school semester by a student for whom high school tuition payments from the state equalization fund are received. The county superintendent of schools shall certify to the county auditor in a manner and form and at such times as shall be prescribed by the superintendent of public instruction, a list of the schools or school districts entitled to county high school tuition payments together with the amounts to which the several schools or districts are entitled. Payments shall be made by auditors warrants drawn upon the county high school equalization fund to the respective school districts or schools and payments to districts or schools in this state shall be deposited in the general fund of the district or school.

§ 3. AMENDMENT.) Subsections 1, 2 and 3 of section 10 of chapter 137 of the North Dakota session laws of 1951 are hereby amended and reenacted to read as follows:

1. Any school district giving two years of standard high school work may levy taxes not to exceed twenty-six mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed twenty-nine mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed thirty-two mills;

§ 4. AMENDMENT.) Section 15-4019 of the North Dakota Revised Code of 1943 is amended by section 7 of chapter 137 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

15-4019. DETERMINATION OF SUMS DUE COUNTY TUITION FUNDS AND COUNTY HIGH SCHOOL EQUALIZATION FUNDS.) On or before the first day of September of each year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant in aid from the state equalization fund for the county tuition fund, and at the close of each semester he shall submit to the superintendent of public instruction a request for grant in aid from the state equalization fund for the county high school equalization fund. The requests shall be filed on forms furnished by the superintendent of public instruction and shall state

the full amount of the elementary per pupil payments and county high school tuition payments to be made to each school or school district that has complied with the provisions of law relating to such funds. The superintendent of public instruction shall determine the amount of the grants in aid to which each county is entitled by subtracting from the full amount of the elementary per pupil payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by nine and five tenths mills and from the full amount of the county high school tuition payments to be made the product of the taxable assessed valuation of the county multiplied by .95 mills. The balance will be the amounts of aid to which the county is entitled for such funds.

Approved March 11, 1953.

CHAPTER 316

S. B. No. 158
(Pyle)

TAX LEVY FOR SURFACING HIGHWAYS IN UNORGANIZED
TOWNSHIPS; TAX LEVY LIMITATIONS IN
CIVIL TOWNSHIPS

AN ACT

To amend and reenact section 57-15191 of the 1949 Supplement to the North Dakota Revised Code of 1943 and section 57-1520 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to township tax levies; township tax levies for improving highways; the use of funds raised by tax levies; and providing for a township tax levy limitation, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-15191 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15191. LEVIES FOR SURFACING HIGHWAYS IN UNORGANIZED TOWNSHIPS.) The county commissioners may authorize a levy not to exceed eight mills upon all taxable property within unorganized townships or within school districts comprising unorganized townships, to be used for the improvement of highways within said unorganized townships or school districts as provided herein, under the direction of the county commis-

sioners. The fund so raised by such levy in unorganized townships shall constitute a revolving fund, to be used for the purposes as hereinbefore provided.

§ 2. AMENDMENT.) Section 57-1520 of the 1949 Supplement to 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 eighteen mills on the dollar of the net taxable assessed valuation thereof.

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

Approved March 12, 1953.

CHAPTER 317

H. B. No. 586
(Poling and Siverson)

TOWNSHIP SUPERVISORS TRANSFER OF FUNDS INTO SPECIAL ROAD FUND; LIMITATIONS; USE

AN ACT

To amend and reenact section 57-15192 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to township supervisors transferring of funds, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-15192 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15192. TOWNSHIP SUPERVISORS MAY TRANSFER FUNDS INTO SPECIAL ROAD FUND; LIMITATIONS; USE.) 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 eight thousand dollars for any one congressional township. The special road fund provided for in section 2 of this Act (this section) may be expended, at the option of the board of supervisors, for the purpose of road construction, graveling or surfacing.

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

Approved March 10, 1953.

CHAPTER 318

H. B. No. 701
(Sticka, Schmalenberger, Gress)
(By request)

TRANSFER OF SCHOOL DISTRICT SPECIAL RESERVE FUND TO GENERAL FUND; DISCONTINUANCE

AN ACT

To amend and reenact section 57-1909 of the 1949 Supplement of the North Dakota Revised Code of 1943 relating to when fund may be transferred and discontinued.

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

§ 1. AMENDMENT.) That section 57-1909 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1909. WHEN FUND MAY BE TRANSFERRED.) Any school district which has heretofore by mistake, or for any other reason, considered all or any part of a special reserve fund, as defined and provided for in chapter 57-19 of the North Dakota Revised Code of 1943, in determining the budget for the school district which has deducted all or any part of the funds in such special reserve fund from the amount necessary to be levied for any school fiscal year, may transfer from the special reserve fund into the general fund all or any part of such amounts which have been so considered contrary to the provisions of section 57-1905 of the North Dakota Revised Code of 1943. Any school district special reserve fund and the tax

levy therefor may be discontinued by a vote of two-thirds of the electors of the school district voting upon the question at any special or general election. Any moneys remaining unexpended in such special reserve fund shall be transferred to the building or general fund of the school district; provided, however, that such discontinuance of a special reserve fund shall not decrease the school district tax levies otherwise provided for by law by more than twenty per cent. A special reserve fund and the tax levy therefor which has been discontinued may be reinstated by a vote of two-thirds of the electors of the school district voting upon the question at any special or general election.

Approved March 12, 1953.

CHAPTER 319

S. B. No. 92
(Stucke, Livingston, and Solberg)

IMMEDIATE ASSESSMENT AND COLLECTION OF PERSONAL
PROPERTY TAXES WHERE REAL PROPERTY
INSUFFICIENT TO SECURE LIEN

AN ACT

Providing for the immediate assessment and collection of personal property taxes where the tax debtor has insufficient real property to secure the lien for such taxes, and declaring an emergency.

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

§ 1. IMMEDIATE ASSESSMENT OF PERSONAL PROPERTY TAXES.) It shall be the duty of the assessor, upon discovery of any personal property in the county, belonging to transients or non-residents, the taxes upon which cannot in his opinion be made a lien upon sufficient real property to secure the payment of such taxes, as provided in section 57-2221, to immediately, and in any event not more than five days thereafter, make a report to the treasurer, setting forth the nature, kind, description and character of such property, in such a definite manner that the treasurer can identify the same, and the amount and assessed valuation of such property, where the same is located, and the name and address of the owner, claimant, or other person in possession of the same.

§ 2. IMMEDIATE COLLECTION OF PERSONAL PROPERTY TAXES.) The county treasurer must collect the taxes on all personal property, and in the case provided in the preceding section, it shall be the duty of the treasurer immediately upon receipt of such report from the assessor to notify the person or persons against whom the tax is assessed that the amount of such tax is due and payable at the county treasurer's office. The county sheriff shall at the time of receiving the assessor's report, and in any event within thirty days from the receipt of such report, levy upon and take into his possession such personal property against which a tax is assessed and proceed to sell the same, in the same manner as property is sold on execution by the sheriff, and the county treasurer may for the purpose of making such levy and sale, designate and appoint the sheriff as his deputy, and such sheriff shall be entitled to receive the same fees as he is entitled to in making a seizure and sale under execution. For the purpose of determining the taxes due, on such personal property, the treasurer shall use the levy made during the previous year, if the levy for the current year has not yet been made. Nothing herein shall be construed as to prevent the county treasurer or the county sheriff from collecting taxes due on personal property by distraint thereof at any time after the expiration of the period hereinbefore mentioned.

§ 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 6, 1953.

CHAPTER 320

H. B. No. 687

(Beede, Holand, Haugen and Rohde)

ISSUANCE OF TAX DEEDS

AN ACT

To amend and reenact section 57-2705 of the North Dakota Revised Code of 1943, as amended and reenacted by section 2 of chapter 276 of the North Dakota Session Laws of 1951, and section 57-2809 of the North Dakota Revised Code of 1943, relating to issuance of tax deeds.

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

§ 1. AMENDMENT.) Section 57-2705 of the North Dakota Revised Code of 1943, as amended and reenacted by section 2

of chapter 276 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

57-2705. TAX DEED TO BE ISSUED.) At the expiration of the period of redemption, and after the filing of the proof of service of the notice of expiration of such period, the county auditor, if no redemption has been made, on surrender of the certificate of tax sale to him, shall execute to the owner of the certificate, his heirs and assigns, in the name of the state, a deed of the land remaining unredeemed, which shall vest in the said certificate owner, his heirs and assigns, an absolute estate in fee simple in such lands, subject to claims of the state or other taxing districts on account of taxes or other liens or encumbrances. Such deed shall be executed by the county auditor under his hand and seal. Such deed shall be prima facie evidence of the truth of all facts therein recited and of the regularity of all the proceedings from the assessment and valuation of the land by the assessor up to the execution of the deed.

§ 2. AMENDMENT.) Section 57-2809 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-2809. TAX DEED TO BE ISSUED.) After the expiration of the period of redemption, the county auditor shall issue a tax deed to the county, in the usual form, for all real estate which was not redeemed within the period of redemption. Such tax deed shall pass the absolute property in fee to the county, free from all encumbrances whatsoever. Such deed shall be prima facie evidence of the truth of all the facts therein recited and of the regularity of all the proceedings from the assessment and valuation of the land by the assessor up to the execution of the deed.

Approved March 10, 1953.

CHAPTER 321

H. B. No. 847
(Delayed Bills Committee)

TAX EXEMPTION OF MUTUAL OR COOPERATIVE
TELEPHONE COMPANIES

AN ACT

To amend and reenact section 57-3411 of the North Dakota Revised Code of 1943, relating to exemption from taxation of mutual or cooperative telephone companies, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-3411 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3411. EXEMPTION FROM OTHER TAXATION.) The taxes imposed by this chapter shall be in lieu of all state, county, municipal, road, or school taxes, licenses, sales taxes, use taxes or other excise taxes, or fees imposed upon or required from any mutual or cooperative telephone company and its franchises, and upon all property of any such company, tangible and intangible, used or useful in telephone operations.

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

Approved March 7, 1953.

CHAPTER 322

H. B. No. 604
(Saugstad, Rohde, Mollet and Laske)

ALLOCATION OF CIGARETTE TAX REVENUE

AN ACT

To amend and reenact section 2 of chapter 323 of the 1951 Session Laws, relating to allocation of cigarette tax revenue, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 2 of chapter 323 of the 1951 session laws is hereby amended and reenacted to read as follows:

§ 2. ALLOCATION OF REVENUE.) All moneys received by the state treasurer from the proceeds of the tax provided in section 1 hereof are hereby appropriated and shall be distributed on or before the thirtieth day of June and the thirty-first day of December of each year on a per capita basis to the incorporated cities and villages of the state, to be used by such incorporated cities and villages for such purposes as are now or may be hereafter authorized by law, the allocation to be based upon the population of each incorporated city and village according to the last official federal or state census, or the census taken in accordance with the provisions of chapter 40-02 of the North Dakota Revised Code of 1943 in the case of a city or village incorporated subsequent to the last federal or state census, and warrants shall be drawn payable to the treasurers of such cities and villages.

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

Approved March 4, 1953.

CHAPTER 323

H. B. No. 632

(Committee on Finance and Taxation)

EXCLUSION OF EARNINGS OF MINOR DEPENDENTS
FROM GROSS INCOME

AN ACT

To amend section 57-3818 of the North Dakota Revised Code of 1943 relating to exclusions of items from gross income by adding thereto subsection 6 relating to exclusion of earnings of minor dependents from gross income of taxpayers.

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

§ 1. AMENDMENT.) Section 57-3818 of the North Dakota Revised Code of 1943 is hereby amended by adding thereto subsection 6 to read as follows:

6. Wages received by each minor dependent of the taxpayer, provided the wages of such dependent are less than six hundred dollars during the taxpayer's income year.

§ 2. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved March 2, 1953.

CHAPTER 324

H. B. No. 548
(Legislative Research Committee)
(at the request of the Tax Commissioner)

DEDUCTION OF PROPERTY AND BUSINESS TAXES
FROM GROSS INCOME

AN ACT

To amend and reenact subsection 3 of section 57-3822 of the North Dakota Revised Code of 1943 relating to the deduction of property and business taxes from gross income for income tax purposes.

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

§ 1. AMENDMENT.) Subsection 3 of section 57-3822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Taxes paid or accrued within the income year upon property or business the income from which, if any, would be taxable under this chapter, but not including those assessed for local benefits of a kind tending to increase the value of the property assessed. Federal income taxes may be deducted to the extent that such taxes represent taxes paid on income taxable under this chapter, but state income taxes are not deductible;

§ 2. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved February 11, 1953.

CHAPTER 325

S. B. No. 257
(Nordhougen)
(By request)

DEDUCTION OF INTEREST FROM GROSS INCOME
FOR INCOME TAX PURPOSES

AN ACT

To amend and reenact subsection 2 of section 57-3822 of the North Dakota Revised Code of 1943 relating to the deduction of interest from gross income for income tax purposes.

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

§ 1. AMENDMENT.) Subsection 2 of section 57-3822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Interest paid or accrued within the year on the taxpayer's indebtedness; provided that interest paid or accrued shall not be deducted if paid or accrued on an indebtedness incurred with respect to property or business the income from which, if any, would not be taxable under the provisions of this chapter;

§ 2. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved March 7, 1953.

CHAPTER 326

S. B. No. 89
(Clyde Duffy)

DEPRECIATION AND DEPLETION DEDUCTIONS
FOR INCOME TAX

AN ACT

To amend and reenact subsection 6 of section 57-3822 of the North Dakota Revised Code of 1943, relating to deductions allowed for depreciation and depletion under the North Dakota income tax law.

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

§ 1. AMENDMENT.) Subsection 6 of section 57-3822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. A reasonable allowance for necessary repairs and a reasonable allowance for depreciation by use, wear, and tear of property used in business or trade, and in case of mines, oil and gas wells, or other natural deposits, a reasonable allowance for cost depletion including cost of development if capitalized, and for depreciated improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under the rules and regulations to be prescribed by the tax commissioner. The taxpayer shall have the election to capitalize or deduct currently the intangible drilling and development costs, such election once made to be binding for all subsequent years. In any case, in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate, but not the basis for depletion, shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases, the deductions shall be equitably apportioned between the lessor and lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in

accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of oil and gas wells, the taxpayer shall have an option to accept an allowance for depletion of twenty-seven and one-half per centum of the gross income from the property during the taxable year in lieu of other bases of depletion. If the option to accept the twenty-seven and one-half per centum depletion allowance is exercised, the taxpayer shall exclude from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect to the property. Such allowance shall not exceed fifty per centum of the net income of the taxpayer from the property, computed without the allowance for depletion. In no case, shall the allowance of percentage depletion be less than it would have been as computed upon the basis of cost depletion;

Approved March 13, 1953.

CHAPTER 327

H. B. No. 643
(Finance and Taxation Committee)
(at the request of the Tax Commissioner)

TIME FOR FIXING INCOME TAX EXEMPTION STATUS

AN ACT

To amend and reenact section 57-3828 of the North Dakota Revised Code of 1943 relative to the time for fixing the status of individuals as income taxpayers insofar as it is affected by the personal exemptions and credits for dependents and to amend and reenact subsections 1, 2 and 3 of section 57-3826 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to exemptions for income taxpayers and the credits for dependents.

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

§ 1. AMENDMENT.) Section 57-3828 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3828. TIME FOR FIXING EXEMPTION STATUS.) The following provisions shall apply for the purpose of fixing the status

of the taxpayer insofar as it affects the personal exemption or credits for dependents:

1. The determination of whether an individual is the head of a family or married and living with husband or wife or is over the age of sixty-five shall be made as of the close of the individual's income year, unless the dependent which qualifies the taxpayer as head of the family or the spouse of such taxpayer dies during the income year, in which case such determination shall be made as of the time of such death.
2. Credits for dependents shall not be apportioned.

§ 2. AMENDMENT.) Subsection 1 of section 57-3826 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. In the case of single individuals, an exemption of six hundred dollars, provided that an additional six hundred dollars exemption shall be allowed for single individual tax payers over the age of sixty-five;

§ 3. AMENDMENT.) Subsection 2 of section 57-3826 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. In case of a head of a family or married individual living with husband or wife, a personal exemption of fifteen hundred (\$1500.00) dollars. A husband and wife living together shall receive but one personal exemption of fifteen hundred dollars against their aggregate net income, and in case they make separate returns, the personal exemption of fifteen hundred dollars (\$1500.00) may be taken by either or divided between them. An additional six hundred dollar exemption shall be allowed for each spouse over the age of sixty-five.

§ 4. AMENDMENT.) Subsection 3 of section 57-3826 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Six hundred dollars for each dependent, other than husband or wife. As used in this chapter the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the income year of the taxpayer begins, was received from the taxpayer:
 - a. A son or daughter of the taxpayer, or a descendant of either.
 - b. A stepson or stepdaughter of the taxpayer.

- c. A brother, sister, stepbrother, or stepsister of the taxpayer.
- d. The father or mother of the taxpayer, or an ancestor of either.
- e. A stepfather or stepmother of the taxpayer.
- f. A son or daughter of a brother or sister of the taxpayer.
- g. A brother or sister of the father or mother of the taxpayer.
- h. A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

As used in this subsection, the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States. If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he could be entitled to credit, the credit shall be disallowed with respect to one of such dependents.

§ 5. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved March 11, 1953.

CHAPTER 328

H. B. No. 797

(Brown, Bourgois, Poling, Hegge and Toussaint)

INCOME TAX RATES FOR INDIVIDUALS

AN ACT

To amend and reenact section 57-3829 of the North Dakota Revised Code of 1943, relating to rate of taxation on individuals.

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

§ 1. AMENDMENT.) Section 57-3829 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3829. RATE OF TAX ON INDIVIDUALS.) A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with respect to the entire net income of such individual as defined in this chapter, computed at the following rates:

1. On all net incomes, above exemptions, and not in excess of three thousand dollars, a tax of one percent;
2. On all net incomes, above exemptions, in excess of three thousand dollars and not in excess of four thousand dollars, a tax of two percent;
3. On all net incomes, above exemptions, in excess of four thousand dollars and not in excess of five thousand dollars, a tax of three percent;
4. On all net incomes, above exemptions, in excess of five thousand dollars and not in excess of six thousand dollars, a tax of five percent;
5. On all net incomes, above exemptions, in excess of six thousand dollars and not in excess of eight thousand dollars, a tax of seven and one-half percent;
6. On all net incomes, above exemptions, in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of ten percent;
7. On all net incomes, above exemptions, in excess of fifteen thousand dollars, a tax of eleven percent.

Approved March 13, 1953.

CHAPTER 329

H. B. No. 633

(Committee on Finance and Taxation)

DUTY OF INDIVIDUALS AND FIDUCIARIES TO MAKE
INCOME TAX RETURNS

AN ACT

To amend and reenact subsection 1 of section 57-3831 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the duty of individuals to make income tax returns and to amend and reenact subsection 4 of section 57-3831 of the North Dakota Revised Code of 1943 relating to the duty of fiduciaries to make income tax returns.

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

§ 1. AMENDMENT.) Subsection 1 of section 57-3831 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Each individual, including minor children, subject to taxation under the provisions of this chapter, having a net income during the income year of six hundred dollars or over, if single, or if married and not living with husband or wife at the close of the income year, or having a net income for the fiscal year of fifteen hundred dollars or over, if married and living with husband or wife at the close of the income year, 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, under oath, stating specifically the items of his gross income and the deductions and exemptions allowed by this chapter and claimed by him;

§ 2. AMENDMENT.) Subsection 4 of section 57-3831 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. Every fiduciary subject to taxation under the provisions of this chapter shall make a return under oath for the individual, estate or trust for which he acts, if the net income thereof amounts to six hundred dollars or over;

§ 3. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved March 2, 1953.

CHAPTER 330

H. B. No. 633
(Committee on Finance and Taxation)

DUTY OF INDIVIDUALS AND FIDUCIARIES TO MAKE
INCOME TAX RETURNS

AN ACT

To amend and reenact subsection 1 of section 57-3831 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the duty of individuals to make income tax returns and to amend and reenact subsection 4 of section 57-3831 of the North Dakota Revised Code of 1943 relating to the duty of fiduciaries to make income tax returns.

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

§ 1. AMENDMENT.) Subsection 1 of section 57-3831 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Each individual, including minor children, subject to taxation under the provisions of this chapter, having a net income during the income year of six hundred dollars or over, if single, or if married and not living with husband or wife at the close of the income year, or having a net income for the fiscal year of fifteen hundred dollars or over, if married and living with husband or wife at the close of the income year, 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, stating specifically the items of his gross income and the deductions and exemptions allowed by this chapter and claimed by him. The return shall be signed by the person required to make it and shall contain a written declaration that it is made and subscribed under penalties of perjury.

§ 2. AMENDMENT.) Subsection 4 of section 57-3831 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. Every fiduciary subject to taxation under the provisions of this chapter shall make a return for the individual, estate or trust for which he acts, if the net income thereof amounts to six hundred dollars or over; the return shall be signed by the person required to make it and shall

contain a written declaration that it is made and subscribed under penalties of perjury;

§ 3. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1952.

Approved March 16, 1953.

CHAPTER 331

S. B. No. 62

(Legislative Research Committee)

(at the request of the Tax Commissioner)

TIME AND PLACE FOR FILING INCOME TAX RETURNS

AN ACT

To amend and reenact section 57-3834 of the North Dakota Revised Code of 1943 relating to the time and place for filing income tax returns and changing the filing date for calendar year taxpayers to April fifteenth and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-3834 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3834. TIME AND PLACE OF FILING RETURNS.) Returns shall be in such form as the tax commissioner from time to time may prescribe, and shall be filed with the tax commissioner at his office in Bismarck, North Dakota. Returns shall be made on or before the fifteenth day of the third month following the close of the fiscal year, or if the return is made on the basis of the calendar year, then the return shall be made on or before the fifteenth day of April in the year following the income year for which the return is made. The tax commissioner may grant a reasonable extension of time for filing a report when, in his judgment, good cause exists. The tax commissioner shall prepare blank forms for use in making returns and shall cause them to be distributed throughout this state, but failure to receive or secure a form shall not relieve a taxpayer from making a return.

§ 2. EFFECTIVE DATE.) This Act shall apply to every income year beginning after December 31, 1951.

§ 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 9, 1953.

CHAPTER 332

H. B. No. 723

(Fugelstad, Holand, Einarson, Kleppe, Lynch,
(Anderson of Ransom, Wolf of McIntosh-Logan)

SALES TAX

AN ACT

To equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such tax, the distribution and use of the revenue derived therefrom, and the administration of said law; to provide for certain deductions and exemptions; establishing a lien for the payment of such tax; to fix fines and penalties for the violation of the provisions of this Act.

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

§ 1. DEFINITIONS.) The following words, terms and phrases, when used in this Act, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number;
2. "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;
3. "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of steam, gas, electricity, water, and communication service to retail consumers or users, and includes the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer. By the term "processing" is meant tangible personal property that is used in manufacturing, producing or processing, which becomes an ingredient or component part of other tangible personal property which latter tangible personal property becomes subject to the retail sales tax. The sale of an item of tangible personal

property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall be considered as a sale of tangible personal property for a purpose other than for processing;

4. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect;
5. "Retailer" includes every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, electricity, water and communication services, and tickets or admission to places of amusement and athletic events as provided in this Act, and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items or tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided; and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this Act;
6. "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that discounts for any purposes allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, however, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty days from the date of sale thereof that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this Act, as has actually been received in cash by the retailer during each quarterly period as defined herein;
7. "Relief agency" means the state, any county, city and county, city or district thereof, of an agency engaged in actual relief work;

8. "Commissioner" means the tax commissioner of the state of North Dakota; and
9. "Local governmental unit" means incorporated cities, towns and villages, counties, school districts and townships.

§ 2. TAX IMPOSED.) There is hereby imposed, beginning the first day of July, 1953 and ending the 30th day of June, 1955 a tax of two percent upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Act, sold at retail in the state of North Dakota to consumers or users; a like rate of tax upon the gross receipts from the sales, furnishing or service of steam, gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing steam, gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this Act, when sold at retail in the state of North Dakota to consumers or users; and a like rate of tax upon the gross receipts from all sales or tickets or admissions to places of amusement and athletic events and the playing of a record on a vending machine, in response to a coin placed in a slot, except as otherwise provided in this Act. The tax herein levied shall be computed and collected as hereinafter provided.

§ 3. EXEMPTIONS.) There are hereby specifically exempted from the provisions of this Act and from computation of the amount of tax imposed by it, the following:

1. The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state;
2. The gross receipts from the sales, furnishing or service of transportation service;
3. The gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;
4. The gross receipts from sales of tickets, or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;

5. The gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs;
6. Gross receipts from sales of tangible personal property or from furnishing or service of steam, gas, electricity, water, and communication service to the United States, state of North Dakota, or any of its subdivisions, departments or institutions, any county, city, village, township, school district, park district, or municipal corporations;
7. Gross receipts from the sale, by any drug store, of drugs sold under a doctor's prescription; and
8. Gross receipts from sales of commercial fertilizers and from the sale of seeds, roots, bulbs and small plants to users or consumers for planting or transplanting for vegetable gardens or agricultural purposes.

§ 4. TAXES PAID ON WORTHLESS ACCOUNTS.) Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off, for income tax purposes may be credited upon subsequent payment of the tax herein provided; provided, that if such accounts are hereafter collected by the retailer, a tax shall be paid upon the amount so collected. The provisions of this Act shall not apply to sales of gasoline, cigarettes, snuff, insurance premiums, or any other product or article upon which the state of North Dakota may now or hereafter impose a special tax.

§ 5. CREDIT TO RELIEF AGENCY AND LOCAL GOVERNMENTAL UNITS.) A relief agency may apply to the commissioner for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy. Such refunds may be obtained only in the following amount and in the manner and only under the following conditions:

1. On forms furnished by the commissioner, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the commissioner the total amount of amounts, valued in money, expended directly or indirectly for goods, wares, or merchandise used for free distribution to the poor and needy;
2. On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency; and

3. The relief agency must prove to the satisfaction of the commissioner that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this Act, based upon such computation of gross receipts.

If the commissioner is satisfied that the foregoing conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

§ 6. TAX TO BE ADDED TO PURCHASE PRICE AND BE A DEBT.) Retailers shall add the tax imposed under this Act, or the average equivalent thereof, to the sales price or charge and when added such taxes shall constitute a part of such price or charge, shall be a debt from the consumer or user to retailer until paid, and shall be recoverable at law in the same manner as other debts.

In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$0.01 to \$ 0.24.....	No tax
.25 to .74.....	1 c tax
.75 to 1.24.....	2 c tax
1.25 to 1.74.....	3 c tax
1.75 to 2.24.....	4 c tax
2.25 to 2.74.....	5 c tax
2.75 to 3.24.....	6 c tax
3.25 to 3.74.....	7 c tax
3.75 to 4.24.....	8 c tax
4.25 to 4.74.....	9 c tax
4.75 to 5.24.....	10 c tax
5.25 to 5.74.....	11 c tax
5.75 to 6.24.....	12 c tax
6.25 to 6.74.....	13 c tax
6.75 to 7.24.....	14 c tax
7.25 to 7.74.....	15 c tax
7.75 to 8.24.....	16 c tax
8.25 to 8.74.....	17 c tax
8.75 to 9.24.....	18 c tax
9.25 to 9.74.....	19 c tax
9.75 to 10.24.....	20 c tax
Each additional 50c.....	1 c additional tax

§ 7. UNLAWFUL ACT.) No retailer shall advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Act

shall be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer or if added, that it or any part thereof will be refunded.

§ 8. RECORDS REQUIRED.) Every retailer required to make a report and pay any tax under this Act, shall preserve such records of the gross proceeds of sale as the commissioner may require and every retailer shall preserve for a period of two years all invoices and other records of goods, wares, or merchandise purchased for resale. All such books, invoices, and other records shall be open to examination at any time by the commissioner or any of his duly authorized agents.

§ 9. RETURN OF GROSS RECEIPTS.)

1. On or before the twentieth day of the month following the close of the first quarterly period as defined in the following section, and on or before the twentieth day of the month following each subsequent quarterly period of three months, the retailer shall make out a return for the preceding quarterly period in such form and manner as may be prescribed by the commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the commissioner may require to enable him correctly to compute and collect the tax herein levied. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in section 10 of this Act shall be extended for the same period;
2. The commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this Act, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of section 10 or elsewhere to the contrary notwithstanding; and
3. Returns shall be signed by the retailer or his duly authorized agent.

§ 10. PAYMENT TAX, BOND, CREATION OF LIEN.)

1. The tax levied under the provisions of this Act shall be due and payable in quarterly installments on or before the twentieth day of the month next succeeding each quarterly period, the first of such periods being the period commencing with July 1, 1953;

2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the commissioner the tax due for the preceding period;
3. The commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this Act, may require any person subject to such tax to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility, in such amount as the commissioner may fix, to secure the payment of any tax and penalties due or which may become due from such person. In lieu of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and penalties due. Upon any such sale, the surplus, if any, above the amounts due under this provision shall be returned to the person who deposited the securities.

§ 11. LIEN OF TAX; COLLECTION; ACTION AUTHORIZED.) Whenever any taxpayer liable to pay a tax or penalty imposed refuses or neglects to pay the same, the amount including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied.

In order to preserve the aforesaid lien against subsequent mortgages, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the tax commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien.

The register of deeds of each county shall prepare and keep in his office a book known as "Index of Tax Liens," so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

1. The name of the taxpayer;

2. The name "State of North Dakota" as claimant;
3. Time notice of lien was received;
4. Date of notice;
5. Amount of lien then due; and
6. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour and minute when received and preserve the same, and forthwith shall index said notice in said index book and forthwith shall record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof;

The tax commissioner shall pay a recording fee as provided by law for the recording of such lien, or for the satisfaction thereof.

Upon the payment of a tax as to which the tax commissioner has filed notice with the register of deeds, the tax commissioner forthwith shall file with said register of deeds a satisfaction of said tax and the register of deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The attorney general, upon request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any penalties, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending.

It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the tax commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

The technical, legal requirements outlined in this section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self-explanatory.

Remittances on account of tax due under this Act, shall not be deemed or considered payment thereof unless or until the commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

§ 12. PERMITS; APPLICATION AND FEE FOR.)

1. No person shall engage in or transact business as a retailer within this state unless a permit or permits shall have

been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority;

2. At the time of making such application, the applicant shall pay to the commissioner a permit fee of fifty cents for each permit, and the applicant shall have a permit for each place of business;
3. Upon the payment of the permit fee, or fees herein required, the commissioner shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated herein. It shall at all times be conspicuously displayed at the place for which issued;
4. Permits issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the commissioner;
5. Whenever the holder of a permit fails to comply with any of the provisions of this Act or any rules or regulations prescribed by the commissioner and adopted under this Act, the commissioner upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The commissioner also shall have the power to restore licenses after such revocation;
6. The commissioner shall charge a fee of one dollar for the issuance of a permit to a retailer whose permit has been previously revoked; and
7. All permits in effect at the time this Act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided.

§ 13. FAILURE TO FILE RETURN; INCORRECT RETURN.) If a return required by this Act is not filed, or if a return when filed is incorrect or insufficient and the maker fails to file a corrected or sufficient return within twenty days after the same is required by notice from the commissioner, such commissioner shall determine the amount of tax due from such information as he may be able to obtain, and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and other factors. The commissioner shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax finally and irrevocably unless the person against whom it is assessed, within thirty days after the giving of notice of such determination, shall apply to the commissioner for a hearing or unless the commissioner of his own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the commissioner shall give notice of his decision to the person liable for the tax.

§ 14. APPEALS.)

1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the commissioner of his determination as provided for in the preceding section;
2. The appeal shall be taken by a written notice to the commissioner and served as an original notice. When said notice is so served it shall be filed with the return thereon in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court; and
3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the commissioner. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the commissioner to the supreme court

of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

§ 15. SERVICE OF NOTICE.)

1. Any notice, except notice of appeals authorized or required under the provisions of this Act may be given by mailing the same to the person for whom it is intended by registered mail addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Act, or if no return has been filed, then such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Act by giving of notice shall commence to run from the date of registration and posting of such notice;
2. The provisions of the laws of this state relative to the limitation of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Act.

§ 16. PENALTIES, OFFENSES.)

1. Any person failing to file a return or corrected return or to pay any tax within the time required by this Act, shall be subject to a penalty of five percent of the amount of tax due, plus one percent of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due. The commissioner, if satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the commissioner and disposed of in the same manner as other receipts under this Act. Unpaid penalties may be enforced in the same manner as the tax imposed by this Act.
2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement, and athletic events, or steam, gas, water, electricity and communication service at retail in this state after his license shall have been revoked, or without procuring a license within sixty days after the effective date of this Act as provided in section 12 of this Act, or who shall violate the provisions of section 7 of this Act, and the officers of any corporation who shall so act, shall be guilty of a misdemeanor, punishment for which shall be a fine of not more

than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the court;

3. Any person required to make, render, sign or verify any return or supplementary return, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor and, for each such offense, shall be fined not to exceed five hundred dollars or shall be imprisoned in the county jail not exceeding one year, or shall be subject to both a fine and imprisonment, in the discretion of the court;
4. The certificate of the commissioner to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this Act, shall be prima facie evidence thereof;
5. Any person failing to comply with any of the provisions of this Act, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court. This criminal liability shall be cumulative and in addition to the civil liability for penalties herein before provided.

§ 17. TAX COMMISSIONER TO ADMINISTER ACT.) The tax commissioner is hereby charged with the administration of this Act and the taxes imposed thereby. Such commissioner may prescribe all rules and regulations not inconsistent with the provisions of this Act, necessary and advisable for its detailed administration and to effectuate the purposes, including the right to provide for the issuance and sale by the state of coupons covering the amount of tax or taxes to be paid under this Act, if such method is deemed advisable by said commissioner.

§ 18. TAX AND PENALTIES PAID TO COMMISSIONER: RETAIL SALES TAX FUND.) All fees, taxes, interest, and penalties imposed and collected under this Act shall be paid to the commissioner in the form of remittance payable to the treasurer of the state of North Dakota, and said commissioner shall transmit each payment monthly to the state treasurer to be deposited in the state treasury to the credit of a fund to be known as the retail sales tax fund, which fund is hereby created and established.

§ 19. GENERAL POWERS.)

1. The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and receipts of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by him, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths, to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records, and documents relating to any matter which he shall have the authority to investigate or determine;
2. Where the commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed the taxpayer. In all other cases the cost shall be paid by the state;
3. The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer, they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the commissioner to the state treasurer, who shall issue warrants for the amount of said costs, to be paid out of the proceeds of the taxes collected under this Act;
4. In cases of disobedience to a subpoena the commissioner may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and production of records, books, papers, and documents, and such court may issue an order requiring the person to appear before the commissioner and give evidence or produce records, books, papers, and documents, as the case may be, and any failure to obey such order of court may be punished by the court as contempt thereof;
5. Testimony on hearings before the commissioner may be taken by a deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

§ 20. COMMISSIONER MAY APPOINT AGENTS AND EMPLOYEES; COMPENSATION; BOND; DUTY OF COUNTY TREASURER.)

1. The commissioner may appoint such agents, auditors, clerks, and employees as he may deem necessary (,) fix

their salaries and compensation and prescribe their duties and powers, and said commissioner may remove such agents, auditors, clerks and employees so appointed by him. The number of inspectors appointed shall not exceed ten, each of whom shall have had at least three years experience in the auditing and checking of books of account;

2. All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law;
3. The commissioner may require such of the officers, agents, and employees as it may designate to give bond for the faithful performance of the duties in such sum and with such sureties as it may determine and the state shall pay, out of the proceeds of the taxes collected under the provisions of this Act, the premiums on such bonds;
4. The commissioner may utilize the office of the treasurer of the various counties in order to administer this Act and effectuate its purposes and may appoint the treasurers of the various counties its agents to collect any or all of the taxes imposed by this Act. No additional compensation shall be paid to said treasurer by reason thereof.

§ 21. INFORMATION DEEMED CONFIDENTIAL.) It shall be unlawful for the commissioner, or any person having an administrative duty under this Act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars.

§ 22. CORRECTION OF ERRORS.) If it shall appear that, as a result of a mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this Act,

then such amount shall be credited against any tax due, or to become due under this Act, from the person who made the erroneous payment, or such amount shall be refunded to such person by the commissioner.

§ 23. PAYMENT OF REFUND.) Wherever by any provisions of this Act, a refund is authorized, the commissioner shall certify the amount of the refund, the reason therefor and the name of the payee to the state auditor, who shall thereupon draw his warrant on the retail sales tax fund in the amount specified payable to the named payee.

§ 24. ALLOCATION OF REVENUE.) All moneys collected and received under this Act shall be paid into the state treasury and shall be credited by the state treasurer into a special fund to be known as the "retail sales tax fund." Out of this fund the state treasurer shall first provide for the payment of refunds allowed under this Act. The net amount of moneys remaining in said "retail sales tax fund" shall be a special trust fund to be used and disbursed solely for the following purposes:

1. Seven-twelfths of said trust fund shall be used and disbursed only for the payment of appropriations made pursuant to and for the purposes set forth in the state equalization fund law. The remaining five-twelfths of said trust fund shall be used and disbursed only for the payment of appropriations to be expended by the public welfare board for the purpose authorized by law; provided, that appropriations made from the general fund to be expended by said public welfare board shall constitute and include appropriations from said five-twelfths share of said trust fund;
2. The state treasurer and state auditor shall make monthly transfers of all amounts available in said trust fund, in the proportions provided herein to the state equalization fund and to be expended by said public welfare board as provided by law.

§ 25. APPROPRIATION.) All moneys now in the retail sales tax fund created by chapter 341 of the session laws of 1949, or collected pursuant to the provisions of said chapter, are hereby appropriated and transferred into the retail sales tax fund created by this Act, and shall be allocated and used as herein provided.

§ 26. SAVINGS CLAUSE.) If any section, subsection, clause, sentence, or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature

hereby declares that it would have passed this Act, and each section, subsection, clause, sentence or phrase hereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases, be declared unconstitutional.

Approved March 13, 1953.

CHAPTER 333

H. B. No. 779
(Wolf of McIntosh-Logan)

COST OF COLLECTING MOTOR FUEL USE TAX

AN ACT

To amend and reenact section 57-4114 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to cost of collecting motor fuel tax.

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

§ 1. AMENDMENT.) Section 57-4114 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4114. DEDUCTION OF COST OF COLLECTING.) On making payments to the state auditor as is provided in this chapter, and all other chapters or acts pertaining to the tax on motor vehicle fuel, the dealer first shall deduct from the amount of tax due two percent thereof to cover the cost of collecting the tax and transmitting the same to the state auditor.

Approved March 14, 1953.

CHAPTER 334

H. B. No. 625
(Committee on Appropriations)

CANCELLATION OF MOTOR VEHICLE FUEL TAX
REFUND CHECKS OVER TEN YEARS OLD

AN ACT

Providing for the cancellation of checks issued by the state auditor, motor vehicle fuel tax refunds which are more than ten years old and deposit to the general fund and subsequent payment, and declaring an emergency.

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

§ 1. REFUND CHECKS OF THE STATE AUDITOR FOR THE MOTOR VEHICLE FUEL TAX; CANCELLATION; DEPOSIT TO GENERAL FUND.) The state auditor, promptly after the effective date of this Act shall prepare a list of the motor vehicle fuel tax refund checks drawn upon the Bank of North Dakota, dated more than ten years prior to the effective date of this act which remain outstanding and unpaid, showing the serial number, date, name of payee, address of payee if available, and amount. A copy of such list with a check for the total amount thereof drawn on the Bank of North Dakota shall be delivered to the state treasurer and the amount thereof shall be credited to the general fund.

§ 2. SUBSEQUENT PAYMENT.) In the event such check or checks is at any subsequent time presented for payment, the holders thereof shall execute a voucher for the amount, to which shall be attached the original check or other satisfactory evidence of ownership of such check. The voucher when approved by the state auditing board shall be paid by a state auditor's warrant drawn on the general fund.

§ 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.

Approved February 20, 1953.

CHAPTER 335

H. B. No. 780
(Wolf of McIntosh-Logan)

MOTOR FUEL USE TAX

AN ACT

To amend and reenact section 57-4202 of the North Dakota Revised Code of 1943 as amended by chapter 330 of the Session Laws of 1951 and subsection 4 and 5 of section 57-4203 and subsection 1 of section 57-4204 of the North Dakota Revised Code of 1943 relating to motor fuel use tax.

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

§ 1. AMENDMENT.) Section 57-4202 of the North Dakota Revised Code of 1943 as amended by chapter 330 of the 1951 session laws of the state of North Dakota is hereby amended and reenacted to read as follows:

57-4202. LEVY OF TAX.) For the privilege of using the public highways in this state, an excise tax is imposed hereby on the use of fuel by any person within this state, at the rate of five cents per gallon, computed and paid in the manner hereinafter provided.

§ 2. AMENDMENT.) Subsection 4 and subsection 5 of section 57-4203 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

4. Upon such application a fee of seven dollars shall be paid by the applicant for each unit operated;
5. Each application shall be accompanied by a bond running to the state of North Dakota, in which the applicant shall be the principal obligor, conditioned for the payment of any and all tax which may become due from said applicant. Such bond shall be in the form of and subject to all the other provisions relating to bonds specified in chapter 41 of this title, and such bond shall be in an amount to be fixed by the state auditor, and not less than two thousand dollars;

§ 3. AMENDMENT.) Subsection 1 of section 57-4204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4204. REPORT AND PAYMENT OF TAX.) Reports of motor fuel used shall be filed and the use tax imposed shall be paid as follows:

1. For the purpose of determining the amount of tax imposed under this chapter, each user, not later than the twenty-fifth day of each calendar month, shall file with the state auditor, on forms prescribed by the state auditor, monthly reports sworn to by the user which shall include the total gallonage of fuels used within this state, per unit, as defined in this chapter, and shall further include the total mileage traveled, per unit, upon or over North Dakota highways, during the preceding month. The requirement as to report of mileage shall not apply to motor vehicles used in the construction, reconstruction or repair of state or county highways, township roads, city and village streets, parks or airports. This Act shall include all farm trucks.

§ 4. PENALTY.) Any person, user or dealer, who makes any false statement or fraudulent report, and any user who does not provide himself with a license as a user, as is required under chapter 57-42 of the North Dakota Revised Code of 1943, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Approved March 13, 1953.

CHAPTER 336

H. B. No. 849
(Delayed Bills Committee)

STATE HIGHWAY ANTICIPATION CERTIFICATES

AN ACT

Amending and reenacting sections 57-4803 and 57-4804 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to state highway anticipation certificates and providing for an increase in the amount of anticipation certificates to be issued, and continuing tax and other provisions of chapter 57-48 of said Supplement in effect.

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

§ 1. AMENDMENT.) Section 57-4803 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4803. HIGHWAY COMMISSIONER AUTHORIZED TO ISSUE STATE HIGHWAY REVENUE ANTICIPATION CERTIFICATES; AMOUNT.) After the state highway department shall have prepared the plan and program for the construction and reconstruction of public highways and bridges, as directed in section 57-4801 of the North Dakota Revised Code of 1943, and has determined the amount that will be required to pay the state's share of the estimated cost of such construction and reconstruction program, the state highway commissioner is authorized and directed, with the approval of the governor, to prepare and issue said state highway revenue anticipation certificates in a total aggregate amount not exceeding fifteen million three hundred sixty thousand dollars (\$15,360,000.00) par value, in form as hereinafter provided.

§ 2. AMENDMENT.) Section 57-4804 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4804. CERTIFICATES; FORM; MATURITY; INTEREST; AMOUNT ISSUED PER YEAR; EXEMPT FROM TAX; PAYABLE IN ADVANCE; DUTY OF STATE TREASURER.) Said certificates shall be negotiable instruments and shall be issued in serial form, numbered consecutively, shall mature serially in such annual amounts as may be determined in anticipation of the revenues pledged for their payment, commencing one year from date of issue, and the last installment to mature not more than twenty (20)

years from date of issue, shall bear interest at a rate not exceeding three per cent (3%) per annum, payable semi-annually, shall be issued in denominations of one thousand dollars (\$1,000.00), or multiples thereof, the total amount of said certificates to be issued in any fiscal year not to exceed the sum of six million dollars (\$6,000,000.00) face amount, and the total aggregate amount of the certificates to be issued not to exceed the sum of fifteen million three hundred sixty thousand dollars (\$15,360,000.00) face amount. The principal and interest of said certificates shall be exempt from all taxes, shall be payable to bearer, unless registered with the state treasurer in the name of the owner, and in that case to the registered owner, and shall be payable at the office of the state treasurer at Bismarck, North Dakota at maturity, unless called for payment before maturity. Said certificates may have attached thereto coupons evidencing the semi-annual interest payable thereon. In the event funds are available for the redemption of the whole or any part of an annual installment or installments of said certificates, in addition to the annual installment maturing and payable in the current year, the state highway commissioner may call for payment on any interest date and in advance of maturity at par or at call price or prices as the certificates may provide, the whole or any portion of any annual installment or installments then outstanding by publishing notice of such call once and not less than sixty days prior to the call date in a newspaper of general circulation published in each of the cities of Bismarck and Fargo, North Dakota, Minneapolis, Minnesota, Chicago, Illinois and New York City, New York, and the certificates so called for payment shall become due and payable on the call date specified in said notice and shall cease to bear interest thereafter. Said certificates shall be executed in the name of the state highway department, and shall be signed by the governor, the state highway commissioner and the state treasurer and shall have endorsed thereon a certificate signed by the state auditor and secretary of state to the effect that the same are issued pursuant to the authority of this Act (chapter) and are payable solely from revenues pledged for their payment, as stated in this Act (chapter), and that no indebtedness is incurred by the state by the issuance thereof. The state treasurer shall keep a register of all certificates issued, showing, among other things, the date of issue, the serial number, the denomination, the maturity date, the name of the registered owner, if any, and the date the certificate is redeemed and paid. He shall endorse his certificate upon each state highway revenue anticipation certificate issued that it is registered in his office. In case any of the officers whose signatures appear on said certificates or the interest coupons attached thereto

shall cease to be such officers before delivery of such certificates, such signatures shall nevertheless be valid and sufficient for all purposes with the same force and effect as if they had remained in office until such delivery.

§ 3. CONTINUATION OF CHAPTER 57-48 OF THE 1949 SUPPLEMENT TO THE NORTH DAKOTA REVISED CODE OF 1943 IN EFFECT.) All certificates which may be issued under the provisions of this Act shall be serviced and paid as certificates heretofore issued under the provisions of chapter 57-48 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, all tax and other provisions of which chapter are hereby extended, continued and made applicable to certificates which may be issued to the amount of \$15,360,000.00 under the provisions of this act.

Approved March 19, 1953.

CHAPTER 337

S. B. No. 45
(Legislative Research Committee)

TERMS OF PUBLIC LAND LEASE FOR UNIT OIL AND GAS DEVELOPMENT

AN ACT

To amend and reenact section 5 of chapter 232 of the North Dakota Session Laws of 1951, relating to unit operation of public lands.

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

§ 1. AMENDMENT.) Section 5 of chapter 232 of the North Dakota session laws of 1951 is hereby amended and reenacted to read as follows:

§ 5. TERMS OF LEASE; UNIT OPERATION.) All leases for the purposes as hereinbefore provided shall be made by the state of North Dakota and all agencies and departments and political subdivisions thereof for twenty-five cents per acre, per year for deferred drilling and shall be made with a royalty reservation of one-eighth of all oil and gas produced from said land as long as oil and gas may be produced from said land. The term one-eighth as used herein shall be construed to mean one-eighth of such interest as may be owned by the lessor. All

leases hereunder shall be made for a period of not less than five years and shall continue in effect under the terms thereof as long as oil or gas may be produced thereon in commercial quantities. The state of North Dakota and all agencies, departments, and political subdivisions thereof, are specifically authorized to enter into agreements for the consolidation of land covered by leases on lands under the jurisdiction of such bodies with other adjoining or neighboring lands for the purpose of joint development and operation of the entire consolidated premises as a unit. In such a case, such agreement shall provide that the lessor shall share in the royalty on oil and gas produced from a consolidated tract in the proportion that the area of the land covered by such lease bears to the total area of such consolidated tract, or upon such other royalty sharing basis as may appear equitable to the governing body controlling or administering such lands; and operations or production on such consolidated tract shall have the same effect as operations or production under the terms of each such lease included therein.

Approved March 2, 1953.

CHAPTER 338

S. B. No. 113
(Senator Wog)

REFUND OF MOTOR FUELS TAX

AN ACT

To amend and reenact section 57-5001 of the 1949 Supplement to North Dakota Revised Code of 1943 relating to the refund of motor fuels tax.

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

§ 1. AMENDMENT.) Section 57-5001 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-5001. REFUND OF TAX PROVIDED FOR.) After December 31, 1946, any person, firm or corporation who shall buy or use any motor vehicle fuel as defined in subparagraph 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. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

Approved March 10, 1953.

CHAPTER 339

S. B. No. 41
(Legislative Research Committee)

GROSS PRODUCTION TAX ON PRODUCING OIL AND GAS PROPERTIES

AN ACT

To provide a gross production tax on producing oil and gas properties in lieu of other taxes; to provide for the administration thereof; and to provide for the distribution of the proceeds of such tax.

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

§ 1. DEFINITIONS.) As used in this Act:

1. "Oil" shall mean petroleum, crude oil, mineral oil, and casinghead gasoline;
2. "Gas" shall mean natural gas and casinghead gas;
3. "Barrel of oil" shall mean 42 U. S. gallons of 231 cubic inches per gallon computed at a temperature of sixty degrees fahrenheit;

4. "Person" shall include partnership, corporation, association, fiduciary, trustee, and any combination of individuals;
5. "Commissioner" shall mean the state tax commissioner.
6. The words "quarter" and "quarterly" as used in this Act shall mean quarter annual periods of three calendar months each, and the first such quarter shall commence on July 1, 1953.

§ 2. GROSS PRODUCTION TAX.) A tax of four and one-quarter per centum of the gross value at the well is hereby levied upon all oil and gas produced within the state of North Dakota, less the value of any part thereof, the ownership or right to which is exempt from taxation. The tax hereby levied shall attach to and is hereby levied upon the whole production, including what is commonly known as the royalty interest.

§ 3. GROSS PRODUCTION TAX TO BE IN LIEU OF OTHER TAXES.) The payment of the taxes herein imposed shall be in full, and in lieu of all ad valorem taxes by the state, counties, cities, towns, townships, school districts and other municipalities, upon any property rights attached to or inherent in the right to producing oil and/or gas, upon producing oil and/or gas leases, upon machinery, appliances and equipment used in and around any well producing oil or gas and actually used in the operation of such well, and also upon oil and gas produced in the state upon which gross production taxes have been paid, and upon any investment in any property hereinbefore in this paragraph mentioned or described. Any interest in the land, other than that herein enumerated, shall be assessed and taxed as other property within the taxing district in which such property is situated. It is expressly provided that the gross production tax shall not be in lieu of income taxes nor excise taxes upon the sale of oil and gas products as retail.

§ 4. EQUIPMENT USED IN PRODUCTION EXEMPT FROM AD VALOREM TAX.) No equipment, material or property shall be exempt from the payment of ad valorem tax by reason of the payment of the gross production tax as herein provided except such equipment, machinery, tools, material or property as is actually necessary and being used at the site of a producing well in the production of oil or gas; and it is expressly declared that no ice plants, hospitals, office buildings, garages, residences, gasoline extraction or absorption plants, water systems, fuel systems, rooming houses and other buildings, nor any equipment or material used in connection therewith shall be exempt from ad valorem tax, nor shall drilling rigs be exempt except as provided in section 57-0219. The real property

shall not be exempt under this Act except to the extent of the mineral interests therein.

§ 5. PAYMENT OF TAX ON QUARTERLY BASIS; WHEN TAX DUE; WHEN DELINQUENT; PAYMENT BY PURCHASER; BY PRODUCER; HOW CASINGHEAD GAS TAXED.) The gross production tax on oil or gas, as herein provided, shall be paid on a quarterly basis. Said tax shall become due on the last day of the calendar month following the preceding quarterly period on all oil or gas produced in and saved during the preceding quarterly period, and if the tax is not paid on or before the end of the month succeeding the month in which the same becomes due the tax shall become delinquent and shall be collected as herein provided. On oil or gas sold at the time of production, the gross production tax thereon shall be paid by the purchaser, and such purchaser shall and is hereby authorized to deduct in making settlement with the producer and/or royalty owner, the amount of tax so paid; provided, that in the event oil on which such gross production tax becomes due is not sold at the time of production but is retained by the producer, the tax on such oil not so sold shall be paid by the producer for himself including the tax due on royalty oil not sold; provided further, that in settlement with the royalty owner such producer shall have the right to deduct the amount of such tax so paid on royalty oil or to deduct therefrom royalty oil equivalent in value at the time such tax becomes due with the amount of the tax paid. Gas when produced and utilized in any manner, except when used for fuel or otherwise used in the operation of any lease or premises in the drilling for or production of oil or gas therefrom, or for repressuring thereon, shall be considered for the purpose of this Act, as to the amount utilized, as gas actually produced and saved. In case oil or gas is sold under circumstances where the sale price does not represent the cash price thereof prevailing for oil or gas of like kind, character or quality in the field from which such product is produced, the state tax commissioner may require the said tax to be paid upon the basis of the prevailing price then being paid at the time of production thereof in said field for oil, or gas of like kind, quality and character.

§ 6. TAX PAID TO TAX COMMISSIONER; STATEMENTS BY PERSON PAYING TAX; STATEMENTS BY PRODUCER.) The tax herein provided for shall be paid to the commissioner and the person paying the tax shall file with said commissioner at the time the tax is required to be paid, a statement, under oath, on forms prescribed by said commissioner, giving with other information required, the following:

1. Full description of the property by lease name, subdivision of quarter section, section, township and range, from which said oil or gas was produced;
2. The name of the producer;
3. The gross amount of said oil or gas purchased;
4. The total value of such oil or gas at the price paid therefor, if purchased at time of production; and
5. The prevailing market price of oil or gas sold at time of production; provided, that in lieu of such statement, a purchaser, at time of production, may furnish a true verified copy of the regular settlement sheet in use by such purchaser, if such sheet contains all the information required.

Any person engaged in the production within this state of oil or gas, shall on the last day of the calendar month following a quarterly period file with the commissioner a statement under oath upon forms prescribed by said commissioner, giving, along with other information required, the following:

1. Name of the property, description by subdivision of quarter section, section, township and range;
2. The gross amount of oil or gas produced and saved;
3. The name of the purchaser and the price received therefor; and
4. Each report required hereunder shall be filed on separate forms as to product and county.

Reports from either purchaser and/or producer, as the case may be, shall be delinquent thirty days after the time fixed for filing the same, and every person required to file such report shall be subject to penalty of twenty-five dollars per day for each property upon which such person shall fail or refuse to file such reports. The penalties herein prescribed shall be for failure to file reports and shall be in addition to the penalty imposed at the rate of seven per cent per annum for delinquent tax, and shall likewise constitute a lien against the assets of such person failing or refusing to file such reports. The penalties prescribed under this section shall be collected in the same manner as gross production taxes and shall be apportioned as other gross production tax penalties; provided that the commissioner may, for good cause shown, remit any penalties imposed under this section. When royalty is claimed to be exempt from taxation by law, the facts on which such claims of exemption are based and such other information pertaining thereto as the commissioner may require shall be furnished in the report.

§ 7. POWERS OF STATE TAX COMMISSIONER.) The commissioner shall have power to require any person engaged in such production and the agent or employee of such person, and/or purchaser of such oil or gas, or the owner of any royalty interest therein to furnish any additional information by him deemed to be necessary for the purpose of correctly computing the amount of said tax, and to examine the books, records and files of such person, and shall have power to conduct hearings and compel the attendance of witnesses, the production of books, records and papers of any person, and full authority to make any investigation or hold any inquest deemed necessary to a full and complete disclosure of the true facts as to the amount of production from any oil or gas location, or of any company or other producer thereof, and as to the rendition thereof for taxing purposes.

§ 8. STATE BOARD OF EQUALIZATION MAY ADJUST RATE OF GROSS PRODUCTION TAX TO EQUAL THE GENERAL AD VALOREM TAX.) The state board of equalization, upon its own initiative, may, and upon complaint of any person who claims that he is taxed too great a rate hereunder, shall take testimony to determine whether the taxes herein imposed are greater than the general ad valorem tax for all purposes would be on the property of such producer subject to taxation in the district or districts where the same is situated and also the value of oil, gas, or mineral leases, or of the mineral rights, the machinery, equipment or appliances used in the actual operation of, in and around any such well, the value of the oil and/or gas produced and any other element of value in lieu of which the tax herein is levied. In determining the amount of tax payable under the general ad valorem tax, the average statewide mill levy of the state and its political subdivisions shall be applied. The said board shall have power and it shall be its duty to lower the rates herein imposed to conform thereto.

§ 9. STATE TAX COMMISSIONER SHALL COMPUTE TAX ON INCORRECT RETURNS.) The commissioner shall have the power and authority to ascertain and determine whether or not any return herein required to be filed with him is a true and correct return of the gross products, and of the value thereof, of such person; and if any person has made an untrue or incorrect return of the gross production or value thereof, as hereinbefore required, or shall have failed or refused to make such return, the commissioner shall under rules and regulations prescribed by him, ascertain the correct amount of either, and compute said tax.

§ 10. PROCEEDINGS AND PENALTY ON DELINQUENCY.) Where the tax provided for in this Act shall become delinquent it shall, as a penalty for such delinquency, bear interest at the

rate of seven per cent per annum, and shall be collected in the manner hereinafter provided. If any person shall fail to make any report herein required, within the time prescribed by law for such report it shall be the duty of the commissioner to examine the books, records and files of such person to ascertain the amount and value of such production to compute the tax thereon as provided herein, and he shall add thereto the cost of such examination, together with any penalties accrued thereon.

§ 11. LIEN FOR TAX.) The tax herein referred to shall, at all times, be and constitute a first and paramount lien against the purchaser's or producer's property as the case may be, both real and personal; and the provisions hereof, making the purchaser liable to pay such tax, and the provisions requiring the producer to pay the royalty owner's tax, in no way releases the producer or purchaser from liability to pay same, in all cases where such tax is not paid, and it may be recovered at the suit of the state, upon relation to the commissioner, in any court of competent jurisdiction of the county where any such property, assets and effects are located.

§ 12. DELINQUENT TAXES; SALE OF PROPERTY.) When any tax provided for in this Act shall become delinquent, the commissioner shall issue warrants directed to the sheriff of any county wherein the same, or any part thereof accrued, for the collection of said tax, interest and penalty; and the sheriff to whom said warrant shall be directed, shall proceed to levy upon the property, assets and effects of the person liable for such tax, and shall sell the same and make return thereof, as upon execution. The state of North Dakota, through the commissioner, is authorized to make bids at any such sale to the amount of tax, penalty and costs accrued.

§ 13. FALSE REPORT DEEMED PERJURY.) Any person who shall knowingly make any false oath to any report required by the provisions of this Act shall be deemed guilty of perjury.

§ 14. DUTIES OF STATE TAX COMMISSIONER AND STATE TREASURER.) It shall be the duty of the commissioner to deposit with the state treasurer all moneys collected by him under this Act and to accompany each remittance, when possible, with a certificate showing the county where produced. The state treasurer, quarterly, shall pay over to the county treasurers of the several counties the moneys to which they are entitled hereunder.

§ 15. APPORTIONMENT AND USE OF PROCEEDS OF TAX.) The gross production tax provided for in this Act shall be apportioned as follows, to-wit:

1. First an amount equal to one-quarter of one per cent of the gross value at the well of the oil and gas upon which a tax is collected under this Act shall be deposited with the state treasurer, who shall credit it to the general fund.
2. The first two hundred thousand dollars of annual revenue after the deduction of the amount provided for in subsection 1 of this section from oil or gas produced in any county shall be allocated seventy-five per cent to that county and twenty-five per cent to the state general fund. The second two hundred thousand dollars of annual revenue after the deduction of the amount provided for in subsection 1 of this section from oil or gas produced in any county shall be allocated fifty per cent to that county and fifty per cent to the state general fund. All annual revenue after the deduction of the amount provided for in subsection 1 of this section above four hundred thousand dollars from oil or gas produced in any county shall be allocated twenty-five per cent to that county and seventy-five per cent to the state general fund.
3. Forty per cent of all revenues allocated to any county hereunder shall be credited by the county treasurer to the county road and bridge fund. Forty-five per cent of all revenues allocated to any county shall be apportioned by the county treasurer quarterly to school districts within the county on the average daily attendance distribution basis, as certified to him by the county superintendent of schools. Fifteen per cent of all revenues allocated to any county hereunder shall be paid quarterly by the county treasurer to the incorporated cities and villages of the county based upon the population of each incorporated city and village according to the last official decennial federal or official state census.

§ 16. DISTRIBUTION OF PROCEEDS TO GENERAL REVENUE FUND IN CERTAIN CASES.) In all cases where gross production tax is paid to the commissioner and the reports accompanying such tax are insufficient to enable said commissioner to determine the source, by county, from which it is produced and he is unable to secure such information as will enable him to determine the source of such oil or gas, it shall be the duty of the commissioner, at the expiration of six months from the date of payment of such gross production tax, to apportion the same to the general fund of the state of North Dakota and to so certify to the state treasurer.

§ 17. REPORTS BY CARRIERS OF OIL AND GAS TRANSPORTED; REPORTS OF REFINERS; REPORTS BY PERSONS PURCHASING OR

STORING OIL.) It shall be the duty of every railroad company, pipe line or transportation company to furnish to the commissioner, upon forms prescribed by him, any and all information relative to the transportation of oil or gas subject to gross production tax, that may be required to properly enforce the provisions of this Act; and such report shall contain, along with other information required, the name of shipper, amount of oil and gas transported, point of receipt of shipment and point of destination; said commissioner may require any such pipeline or transportation company to install suitable measuring devices to enable such company to include in such reports the quantity of oil or gas transported within, into, out of, or across the state of North Dakota. It shall be the duty of every person engaged in the operation of a refinery for the processing of oil or gas, in the state of North Dakota to furnish quarterly to the commissioner, upon forms prescribed by him, any and all information relative to the amount of oil or gas subject to gross production tax that has been processed by it during such quarterly period, and oil on hand at the close of such period, that may be required to properly enforce the provisions of this Act. It shall be the duty of every person engaged in the purchase or storing of oil subject to gross production tax in the state of North Dakota to furnish quarterly a report to the commissioner, upon forms prescribed by him, showing the amount of such oil in storage, giving, along with other information required, the location, identity, character and capacity of the storage receptacle in which such oil is stored. All such reports shall be filed for each quarter and shall be delinquent thirty days after each period. The failure of any person to comply with the provisions of this section shall make any such person liable to a penalty of twenty-five dollars for each day it shall fail or refuse to furnish such statement or comply with the provisions of this Act; and such penalty may be recovered at the suit of the state, on relation of the commissioner; and such penalty so collected shall be apportioned to the state general fund.

§ 18. PAYMENT WHERE OWNERSHIP IS IN DISPUTE; ASSIGNMENT AS SECURITY.) Whenever oil or gas subject to gross production tax under the laws of this state is in litigation or dispute involving ownership of such oil or gas, and such oil or gas is sold, the usual gross production tax, as provided by law, shall be paid from the proceeds or funds in the hands of the purchaser of such oil or gas and in lieu of payment for such production, to the extent of such tax; the commissioner's receipt therefor shall be accepted in lieu of money in settlement of the purchase price of such production; and wherever any such oil or gas is assigned as security for debt or otherwise, such tax shall be likewise paid by such assignee; and such tax shall

constitute a lien upon the interest assigned, which shall be paramount to such indebtedness for which the assignment is made; and whenever such tax shall become delinquent, the usual penalty shall apply.

§ 19. REFUND OF OVERPAYMENTS, DUPLICATE PAYMENTS, AND ERRONEOUS PAYMENTS.) In all cases of overpayment, duplicate payment or payment made in error, the state tax commissioner may issue his certificate stating therein the facts and the amount of the refund to which the taxpayer may be entitled. Upon presentation of such certificate to the state auditor, the state auditor shall issue a warrant for the purpose of refunding any such overpaid, duplicate or erroneous tax out of the unapportioned gross production tax in the state treasury and a pro rata share thereof shall be charged against the county entitled to share in such tax.

§ 20. STATEMENTS AS TO TAX ON SETTLEMENTS; ACCEPTANCE OF DEDUCTIONS.) All statements or settlement sheets for oil or gas shall have stamped or written thereon the following words: "Gross production tax deducted and paid, and payee accepts such deduction and authorizes payment thereof to the state of North Dakota."

§ 21. RULES AND REGULATIONS; BOND; REPORTS; ACTIONS.) The commissioner is hereby authorized and empowered to prescribe and promulgate all necessary rules and regulations for the purpose of making and filing of all reports required hereunder and otherwise necessary to the enforcement of this Act; and may, at his option and discretion, require a sufficient bond from any person charged with the making and filing of reports and the payment of the taxes herein imposed; and said bond shall run to the state of North Dakota and shall be conditioned upon the making and filing of reports as required by law, upon compliance with the rules and regulations of the commissioner, and for the prompt payment, by the principal therein, of all taxes justly due the state by virtue of the provisions hereof; and when any reports required have not been filed, or may be insufficient to furnish all the information required by the commissioner, the commissioner shall institute, in the name of the state of North Dakota upon relation of the commissioner, any necessary action or proceedings in the courts having jurisdiction, to enjoin such person from continuing operations until such reports have been filed as required, and in all proper cases, injunction shall issue without bond from the state of North Dakota. Upon showing that the state is in danger of losing its claims or the property is being mismanaged, dissipated or concealed, a receiver shall be appointed at the suit of the state.

§ 22. NONCOMPLIANCE BY PRODUCERS, REFINERS, PROCESSORS OR PURCHASERS.) Wilful failure on the part of any such producer, refiner, processor or purchaser of oil or gas to comply with the provisions of this Act shall be deemed a misdemeanor. Each day's failure to file a report within the period of time fixed in this Act shall constitute a separate offense.

§ 23. APPLICATION OF ACT.) The tax imposed by this Act shall apply to oil and gas produced from and after the effective date of this Act.

Approved March 21, 1953.

TOWNSHIPS

CHAPTER 340

H. B. No. 642
(Gray)

TOWNSHIP ZONING DISTRICTS

AN ACT

To empower townships to establish zoning districts and to impose regulations and restrictions within such districts.

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

§ 1.) For the purpose of promoting the health, safety, morals or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts in the area or areas lying within three miles of the corporate limits of any municipality and within such districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes. All such regulations and restrictions shall be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. No regulation or restriction, however, shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming. The provisions of this Act shall not be construed to include any power relating to the establishment, repair and maintenance of highways or roads.

§ 2.) The regulations and restrictions established in any township zoning district shall be made in accordance with a comprehensive plan with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and shall be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, and promote health, safety, and general welfare.

§ 3.) The board of township supervisors of a township desiring to avail itself of the powers conferred by this Act shall establish, by resolution, a township zoning commission to recommend the boundaries of the various township zoning districts and appropriate regulations and restrictions to be established therein. Membership of such commission shall consist of three township supervisors and two members appointed from the municipality in relation to which such zoning is contemplated. Where the area to be regulated and restricted is situated in two or more townships, a joint zoning commission may be established. Membership of a joint zoning commission shall consist of two township supervisors from each township and two members from the municipality in relation to which such zoning is contemplated. Each such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and recommendations to the board or boards of township supervisors. The board or boards of township supervisors may thereupon establish, and from time to time change, the boundaries of township zoning districts and establish, amend, supplement, and enforce regulations and restrictions in such districts. No regulation, restriction, or boundary shall become effective until after a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in the official newspaper of the county and also in the official newspaper of the municipality in relation to which such zoning action is taken, if in such municipality an official newspaper other than the official newspaper of the county is published.

§ 4.) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used, in violation of any regulation or restriction made under the authority conferred by this Act, the proper local authorities of the township or of the municipality in relation to which such zoning regulation or restriction is established, or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

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

§ 5.) Appeals from any rule, regulation, restriction, or decision of the board of township supervisors made pursuant to this Act, may be made to the district court of the county in which such township lies. Upon a showing that any rule, regulation, restriction, or decision of the board of township supervisors is unreasonable under the circumstances or contrary to the intent of this Act, any such regulation, restriction or decision may be set aside or reversed.

Approved March 5, 1953.

CHAPTER 341

H. B. No. 652
(Leet)

TOWNSHIP MEETINGS

AN ACT

To amend and reenact sections 58-0405, 58-0419, 58-0603, and 58-0608 of the North Dakota Revised Code of 1943, relating to township meetings.

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

§ 1. AMENDMENT.) Section 58-0405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0405. ORGANIZATION OF ANNUAL OR SPECIAL MEETINGS.) The electors present at any time between one o'clock and two o'clock p. m. of the day of the annual or special meeting shall be called to order by the township clerk, or if he is not present, the voters may elect by acclamation one of their number to act as chairman for the purpose of calling the meeting to order and to act as clerk after the selection of a moderator. The voters shall elect by acclamation three of their number as judges, and such judges shall be sworn and shall act as the judges of the qualifications of township electors. The electors shall proceed to choose one of their number to preside as moderator of the meeting. The clerk of the township if present, or in his absence, the clerk of the meeting, shall keep full minutes of its proceedings in which he shall enter at length every order, direction, rule, and regulation made by the meeting.

§ 2. AMENDMENT.) Section 58-0419 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0419. SPECIAL MEETING WHEN OFFICERS NOT ELECTED AT ANNUAL MEETING.) If a township meeting is not held for the purpose of organizing and electing its officers at the time fixed by law for holding the annual township meeting, a special township meeting for that purpose shall be called by the township clerk. If notice of such meeting is not given by the clerk within ten days, any three electors of the township may call such meeting. Notices setting forth the time, place, and object of the meeting shall be posted in the three most public places in the township, at least five days prior to the meeting. The electors, when assembled by virtue of such notice, shall possess all the powers conferred upon electors at the regular annual township meeting.

§ 3. AMENDMENT.) Section 58-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0603. REGULAR MEETINGS OF BOARD OF TOWNSHIP SUPERVISORS; WHEN HELD.) The board of township supervisors shall hold regular meetings on the second Tuesday in March, on the fourth Tuesday in March, and on the second Monday in June of each year, except that in the discretion of the township supervisors the meetings provided for the second Tuesday and fourth Tuesday in March may be held on the same day as the annual township meeting as provided in section 58-0401.

§ 4. AMENDMENT.) Section 58-0608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0608. APPROVE BONDS OF TOWNSHIP OFFICERS.) At its first meeting after the election of township officers the chairman of the board of township supervisors shall approve the bonds of township officers and the officers immediately shall enter upon the discharge of their duties.

Approved March 5, 1953.

WATERS

CHAPTER 342

S. B. No. 77
(Pyle and Hagen)

APPLICATION FOR BENEFICIAL USE OF WATER IRRIGATION

AN ACT

To amend and reenact section 61-0402 of the North Dakota Revised Code of 1943, relating to application for beneficial use of water irrigation.

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

§ 1.) That section 61-0402 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

61-0402. APPLICATION FOR BENEFICIAL USE OF WATER REQUESTED.) Any person, association, or corporation intending to acquire the right to the beneficial use of any waters, before commencing any construction for such purpose, or before taking the same from any constructed works, shall make an application to the state engineer for a permit to appropriate. If applicant shall designate the use of sprinkler equipment for the irrigation of his land the state engineer and state water conservation commission may, in order to permit rotation of crops, grant a permit or license which will be applicable to a gross area containing more than the acreage which can be irrigated in one year with the quantity of water authorized to be beneficially used under such permit or license.

Approved March 4, 1953.

CHAPTER 343

H. B. No. 595

(Anderson of Cass, Simenson, Heimes, Sortland)

WATER CONSERVATION AND FLOOD CONTROL DISTRICT
TAX LEVY; FINANCING SPECIAL ASSESSMENTS

AN ACT

To amend and reenact section 61-1615 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 15 of chapter 348 of the Session Laws of 1949, relating to the levying of taxes for district expenses, and the financing of improvements by special assessments; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 61-1615 of the 1949 Supplement to the North Dakota Revised Code of 1943, being section 15 of chapter 348 of the session laws of 1949, is hereby amended and reenacted to read as follows:

61-1615. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS; AMOUNT; FINANCING BY SPECIAL ASSESSMENTS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate of the board of commissioners of each district within the county, and it shall levy each year upon all taxable property in each district within the county a tax sufficient in amount to pay the actual necessary expenses, including costs of rights-of-way, easements or other interests in property, construction, operation and maintenance of any project of each water conservation and flood control district, not exceeding a total of three mills on each dollar of taxable valuation of the district. Such tax 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. The acquisition of rights-of-way, easements or other interests in property, and the construction, operation and maintenance of any project may, in the discretion of the board, be financed in whole or in part by special assessments against the property benefited thereby as provided in this chapter, or the board may meet such expenses by a combination of a tax levy and special assessments.

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

Approved February 11, 1953.

CHAPTER 344

H. B. No. 744

(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)

DRAIN COMMISSIONERS OFFICE RECORDS AND
REIMBURSEMENT OF EXPENSES

AN ACT

Relating to drainage projects; amending and reenacting section 61-2104 of the North Dakota Revised Code of 1943, providing for office, records and payment and reimbursement of expenses, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 61-2104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2104. OFFICE AND RECORD BOOKS SUPPLIED BOARD OF DRAIN COMMISSIONERS; PAYMENT OF CLERICAL ASSISTANCE AND OFFICE EXPENSE.) The board of county commissioners shall provide an office for the board of drain commissioners suitable for its use and the keeping of its records, and shall provide suitable record books for its use, and may pay for necessary clerical and office expense.

§ 2. PAYMENT OF COST OF PROCESS, COMMISSIONER COMPENSATION, LEGAL SERVICES, SURVEY, OTHER EXPENSES AND REIMBURSEMENT.) The board of county commissioners may pay for the cost of mailing and publication of notices, drain board commissioner compensation and expenses, legal services, costs of survey, and other expenses incurred in connection with proceedings pursuant to petition for drain which is incurred prior to entry of order establishing or denying establishment of such drain. If such drain is established then the board of drain commissioners shall issue a warrant reimbursing the county for such payments. If said drain is not established the board of drain commissioners shall pay to the county all moneys collected pursuant to the provisions of section 61-2116 from the petitioners for said drain.

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

Approved February 27, 1953.

CHAPTER 345

H. B. No. 698
(Einarson, Sommer and Christopher)

PETITION FOR EXCESS LEVY TO CLEAN OUT
AND REPAIR DRAINS

AN ACT

To amend and reenact section 61-21426 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to petition for excess expenditure to clean out and repair drains.

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

§ 1. AMENDMENT.) Section 61-21426 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-21426. EXPENDITURES IN EXCESS OF AMOUNT PRODUCED BY MAXIMUM LEVY.) If the cost of maintaining, cleaning out and repairing any drain shall exceed the amount produced by the maximum levy of fifty cents per acre in any year, together with the amount accumulated in the drainage fund, owners of lands subject to assessment for ten percent or more of such cost may petition the board to clean out and repair such drain. When such petition has been filed with the county auditor, the board shall forthwith give ten days' notice by registered mail to all owners of land liable for assessments, of a hearing upon such petition at a convenient time and place. At such hearing, the purpose of the proposed improvement or repair of the drain shall be explained and the probable cost thereof and other pertinent information shall be furnished. At such hearing, signers of such petition may withdraw their names therefrom, and others may add their names thereto. If, when such hearing has been completed and closed, owners of lands will be subject to assessments aggregating sixty percent or more of the cost of cleaning out or repairing such drain, have signed the original petition, it shall be the duty of the board to cause such drain to be cleaned out and repaired.

Approved March 4, 1953.

CHAPTER 346

H. B. No. 742

(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)

ISSUANCE OF DRAINAGE WARRANTS BY COUNTY
COMMISSIONERS FOR CLEANING OUT, REPAIRING
AND MAINTAINING DRAINS

AN ACT

Relating to issuance of drainage warrants by the board of county commissioners; providing for issuance of drain warrants for the cleaning out, repairing, maintaining, deepening, widening and lengthening of drains; providing for presentation, interest rate and registration and payment of said warrants, and declaring an emergency.

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

§ 1.) Warrants in payment of costs and expenses of cleaning out, repairing, and maintenance of drains and such deepening, widening and lengthening of drains as is done by the board of county commissioners are hereby authorized and shall be issued by said board. Said warrants shall be issued by order of said board and shall be signed by the chairman of said board and the county auditor. All such warrants shall be payable from the drain fund for which such costs and expenses were incurred. All such warrants, after presentation to the county treasurer for payment, if not paid for want of funds, shall be registered by him, and thereafter bear interest at the rate of not to exceed five per cent per annum.

§ 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, 1953.

CHAPTER 347

H. B. No. 741
(McInnes, Anderson of Cass, Saumur, Anderson of)
(Richland and Christopher)

COMPENSATION OF DRAIN COMMISSIONERS**AN ACT**

To amend and reenact section 61-2146 of the North Dakota Revised Code of 1943 relating to compensation of the board of drain commissioners and declaring an emergency.

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

§ 1. AMENDMENT.) Section 61-2146 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2146. COMPENSATION OF COMMISSIONERS; STATEMENT PREPARED BY COMMISSIONERS.) Each drain commissioner shall receive for his services ten dollars per day for the time actually spent by him in the performance of the duties of his office and actual necessary expenses when away from home. Such sums shall be chargeable to the drain or drains on which the time was spent. Not more than the compensation for one day shall be allowed to him for services rendered in any one calendar day of twenty-four hours. The drain commissioners shall render an itemized and verified statement showing the date or dates when their services were rendered.

§ 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, 1953.

CHAPTER 348

S. B. No. 150
(Solberg)

RECLAMATION DISTRICTS FOR DRAINAGE OF SURFACE
WATERS FROM LANDS WHEN DRAINAGE NOT
FEASIBLE BY CONSTRUCTION OF DRAIN
BY COUNTY DRAIN COMMISSIONERS

AN ACT

Authorizing the establishment of reclamation district for the drainage of surface waters from lands when it is not deemed feasible or practicable to effect the drainage thereof by the construction of a drain under the jurisdiction of a county board of drain commissioners, or the maintenance of such constructed drain by a board of county commissioners pursuant to the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof; providing for the election of directors and the appointment of officers and employees of such reclamation district and prescribing the terms of office and providing for compensation of such directors, officers and employees; providing for the issuance of special-assessment warrants and/or bonds to defray the cost of construction and maintenance of facilities for the drainage of lands in such district; authorizing the levy and apportionment of special assessments against benefited lands to meet construction and maintenance costs; declaring the purposes and defining the powers, rights and functions of such reclamation districts; providing for cooperation by state highway commissioner or governing board of any county, city, village or township, and declaring an emergency.

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

§ 1. DECLARATION OF INTENTION; INTERPRETATION.) It is hereby declared that the establishment of reclamation districts in accordance with the provisions of this act is necessary.

1. To enable the owners of lands which have been flooded by the runoff waters from melting snow, and because of heavy rainfall, to drain surface waters from such lands when it is not deemed feasible or practicable to effect the drainage thereof by the construction of drainage canals under the jurisdiction and direction of the county board of drain commissioners nor to operate and maintain the required drainage works by the board of county commissioners after construction thereof.
2. When, in order to drain surface waters from lands which are flooded, it is found necessary to construct, operate and maintain equipment and facilities for pumping such

waters into a canal or canals situated at a higher level than the lands sought to be drained and when construction of a drainage ditch through such higher ground is not economically feasible nor practicable.

3. To cooperate with any corporation, public or private, or with any municipality or with any federal agency and the state water conservation commission for the drainage of lands mentioned herein.

§ 2. DEFINITIONS.)

1. "District" shall mean any reclamation district organized and established pursuant to the provisions of this act.
2. "Works" shall be deemed to include all lands, property rights, rights-of-way, easements and franchises relating thereto and necessary for the construction, operation and maintenance of canals, pumping plants and other facilities found necessary to drain surface waters from lands mentioned in section 1 of this act.

§ 3. INTERPRETATION.) This act shall not be construed as repealing, amending or limiting or in any way affecting the laws of this state relating to the organization and maintenance of drainage projects established under and by virtue of the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof or water conservation and flood control districts.

§ 4. PROPOSAL FOR ESTABLISHMENT OF RECLAMATION DISTRICT; POWERS OF, WHEN ESTABLISHED.) Whenever the owners of at least 75 per cent of the whole number of acres within an area containing lands which are flooded, and which can not be drained by the construction and maintenance of a drain, established under the jurisdiction and direction of a county board of drain commissioners pursuant to the provisions of chapter 61-21 of the North Dakota Revised Code of 1943 and acts amendatory thereof, desire to provide for the drainage of such lands they may propose the organization of a reclamation district under the provisions of this act. When so established, such district:

1. Shall be a body corporate.
2. Shall possess all powers expressly granted or implied in order to accomplish the purpose for which the district has been created, shall have all the powers conferred by law upon a county board of drain commissioners with reference to the establishment and construction of drains, including the power to levy and apportion special assess-

ments to meet construction costs, and shall possess the powers necessary to meet maintenance costs, and shall be authorized to operate and maintain drainage works when constructed.

3. May sue and be sued in its corporate name and may institute and maintain any action in law or in equity necessary or proper to carry out fully the purpose for which the district is organized.
4. May contract and be contracted with.
5. May exercise the right of eminent domain for the purpose of acquiring right-of-way for drainage ditches, flumes, canals, sites for pumping plants, and for any purpose necessary to establish, operate and maintain facilities or works for drainage of the lands within the district.
6. May issue special assessment warrants to meet construction and/or maintenance costs or may issue district bonds to defray the cost of facilities required for the drainage of lands therein.
7. May hold, lease, own and possess such real and personal property as shall come into its possession by contract, gift, conveyance, purchase or otherwise.

§ 5. PETITION FOR A PROPOSED RECLAMATION DISTRICT; FILED WHERE; SIGNED BY WHOM.) A petition for the proposed reclamation district shall be filed with the state engineer and shall be signed by the owners of at least 75 per cent of the total number of acres embraced within such proposed district requesting that the territory described in such petition be organized under the provisions of this act. Such petition shall set forth the name and address of each petitioner and a description of his land. The petition shall be accompanied by a map of the proposed district. Such map shall show the boundaries of the district and shall show the location of proposed canals or works, including pumping plants, if any, by means of which it is intended to drain waters from the lands in such district. The petition shall be signed by at least six free-holders whose lands will be benefited by drainage or surface waters therefrom.

§ 6. PETITION ACCOMPANIED BY BOND; APPROVAL OF BOND; FILING OF CERTIFIED COPY OF PETITION.) The petition for a proposed reclamation district shall be accompanied by a 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 therein, and shall be conditioned that the surety, or sureties, will pay all costs in case said organization shall not be approved by a

majority of the free-holders owning at least 75 per cent of the whole number of acres of land embraced within the boundaries of the proposed reclamation district. Within ten days after the filing of such petition and the approval of such bond, the state engineer shall file a certified copy of such petition with the county auditor of each county in which the proposed reclamation district is situated.

§ 7. HEARING ON PETITION; NOTICE OF; REPORT PREPARED BY STATE ENGINEER ON FEASIBILITY SUBMITTED TO LAND OWNERS.) The state engineer shall examine the petition, maps and data pertaining to the proposed reclamation district and shall fix a time and place for hearing such petition. Such place for hearing shall be convenient and accessible for a majority of the owners of lands in the proposed district. A notice stating that such petition will be heard, and stating the time and place of hearing shall be published once each week for two weeks prior to the date of such hearing in the official newspaper of the county in which the proposed reclamation district is located, and if such proposed district is located in more than one county, then such notice shall be published in the official newspaper of each such county. Prior to such hearing the state engineer shall prepare, or cause to be prepared, a report showing the probable cost of the plan of drainage proposed by the petitioners. A copy of such report shall be filed with the county auditor of each county in which the proposed reclamation district is situated and such report shall be open to public inspection. The state engineer shall submit such report to the land owners of the proposed district at the meeting set for hearing the petition.

§ 8. AMENDMENT OF PLAN FOR DRAINAGE; ADJOURNMENT OF HEARING BY STATE ENGINEER: STATE ENGINEER MAY DENY PETITION.) At the time set for the hearing, as provided in section 7 of this act, the state engineer may with the consent of the petitioners, amend the plan of drainage of the land in the proposed reclamation district and may change the boundaries of the proposed district. The state engineer may adjourn such hearing from time to time and on final hearing may, with the consent of the land owners affected thereby, make such changes in the proposed boundaries as he shall find to be proper and shall establish and define such boundaries. If he shall determine that the plan of draining the lands within the proposed reclamation district is not practicable or that such plan is not economically sound he shall make an order denying the petition for organization of the proposed district and shall state his reasons for his action. A copy of such order shall be filed with the county auditor of each county in which the proposed reclamation district is situated.

§ 9. STATE ENGINEER TO MAKE AN ORDER ESTABLISHING RECLAMATION DISTRICT; CALLING AN ELECTION.) If the state engineer shall find and determine that the establishment of the proposed reclamation district is feasible and that the plan finally adopted for the drainage of the lands therein is practicable and economically sound, he shall make an order establishing such reclamation district, subject to the approval of a majority of the owners of lands therein who together shall own at least 75 per cent of the total number of acres embraced within such proposed district, which will be subject to assessment for the cost of constructing and maintaining the works required for the drainage of the lands therein. Such order shall set forth:

1. The time and place of holding such election.
2. The boundaries of the district which shall conform as nearly as possible with governmental survey lines.
3. That a petition sufficient in form and substance was filed in the office of the state engineer.
4. That notice of the time and place of hearing on petition was duly given to the owners of land within the proposed reclamation district.

A copy of such order shall be filed with the county auditor of each county in which the reclamation district is situated. Such order shall be prima facie evidence of the matter and facts therein stated.

§ 10. NOTICE OF ELECTION BY STATE ENGINEER; CONTENTS; PUBLICATION OF.) Upon making his order establishing a reclamation district the state engineer shall give notice of an election to be held for the purpose of determining whether or not the owners of the lands within such proposed district approve the establishment thereof. Such notice shall state that a land owner 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 also refer to the order of the state engineer, establishing the district subject to the approval of the owners of the lands therein, filed with the county auditor, and shall state that the boundaries of the district are described in such order. Such notice of election 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 of each such county if one is published therein.

§ 11. FORM OF NOTICE OF ELECTION.) The notice of election provided for in section 10 of this act shall substantially be in the following form:

NOTICE OF ELECTION

Notice is hereby given that on the.....day of..... 19....., an election will be held at.....

(Here designate place of holding election) for the purpose of submitting to the owners of the lands embraced within the boundaries of the territory established by the order of the state engineer as..... Reclamation District, the question as to whether or not such order shall be approved. Notice is hereby given that the lands in 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 also filed in the office of the county auditor of.....County, North Dakota. The ballot will be in the following form:

For Reclamation District:

Yes
No

Notice is further given that a board consisting of three directors will be elected who will serve as provided by law if the establishment of the district is approved. Polls will be open from one o'clock p. m. to five o'clock p. m.

Notice is further given that any owner of land in the district 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

§ 12. STATE ENGINEER TO APPOINT ELECTION BOARD.) Prior to the holding of an election to determine whether or not the order of the state engineer establishing a reclamation district shall be approved, the state engineer shall appoint from the owners of land in the proposed reclamation district one clerk and two judges who shall constitute the board of election. If the land owners appointed do not attend at the opening of the polls on the day of the election, the land owners present at that hour shall choose the members of the election board or fill the place of an absent member thereof. Each member of the board of election shall receive five dollars for his services at such election.

§ 13. VOTES OF LAND OWNERS.) Each owner of land in a reclamation district shall have one vote for each acre of land which he owns therein.

§ 14. CONDUCT OF ELECTION; CANVASS OF VOTES.) An election upon the question of organizing a reclamation district shall be conducted in accordance with the laws of the state prescribing the conduct of general elections. After the polls are closed, the election board shall proceed to canvass the votes cast at the election and the clerk of the election board shall certify to the state engineer the result of such election. The clerk shall then wrap securely the ballots cast at such election and shall express or mail the same to the state engineer who shall also canvass the ballots and verify the result. The state engineer shall file the ballots in his office. After the expiration of two years after such ballots have been filed they may be destroyed.

§ 15. CREATION OF RECLAMATION DISTRICT IF ELECTION IS FAVORABLE.) If upon a canvass of the votes it appears that a majority of the owners of the lands within the proposed reclamation district, who together own at least 75 per cent of the whole number of acres embraced therein, are in favor of the organization of a reclamation district, the state engineer by an order shall declare such territory duly established as a reclamation district under the name stated in such order and shall declare the three persons receiving the highest number of votes duly elected as directors. The state engineer shall cause a certified copy of his order to be filed in the office of the register of deeds of each county in which any part of the district is situated and shall also file a copy of such order with the county auditor of each such county. The state engineer shall immediately make out and mail by registered mail to each person elected to the office of director a certificate of election signed by him. The directors shall thereupon enter upon the duties of their office. The state engineer shall also file in the office of the secretary of state a copy duly certified by him of his order declaring such reclamation district to be duly established. The secretary of state shall make and issue to the state engineer a certificate under the seal of the state of the establishment of such district and shall record such certificate and the said order of the state engineer. Such certificate of the secretary of state, or an authenticated copy thereof, shall be prima facie evidence of the organization and establishment of such reclamation district.

§ 16. APPEAL TO DISTRICT COURT FROM ORDER OF THE STATE ENGINEER; TIME; UNDERTAKING; APPEAL TO SUPREME COURT.) An appeal to the district court from any order or decision of the state engineer authorized under the provisions of this act may be taken by any person claiming to be aggrieved

thereby within the time and in the manner prescribed in chapter 336 of the session laws of North Dakota for 1951, relating to appeals from orders and decisions involving irrigation districts. Such appeal shall be heard and determined by the district court as provided in said chapter 336 of the session laws of 1951. An appeal to the supreme court may be taken by the state engineer, or by any party to the proceeding, from any judgment entered in the district court with reference thereto, and from an order of the district court if an appeal would lie from such order if entered by the court in a civil action.

§ 17. REGULAR ELECTION OF RECLAMATION DISTRICTS; HELD WHEN; TERMS OF OFFICE OF DIRECTORS.) The regular election of reclamation districts after establishment thereof shall be held on the first Tuesday in February of each odd-numbered year. The governing board of a reclamation district shall consist of three directors who shall be owners of land therein which will be subject to assessment for the cost of constructing and the expense of maintaining the works or facilities required to drain water from the lands of the district. Directors elected at the election approving organization of the district shall hold office as follows: One director shall hold office until the first Tuesday in April of the first odd-numbered year following his election; one director shall serve until the first Tuesday in April of the second odd-numbered year following his election; and one director shall serve until the first Tuesday in April of the third odd-numbered year following the year in which he was elected. The terms of office of district directors elected at such first election shall be determined by lot at their first meeting. Directors elected at subsequent elections for full terms shall hold office for six years. Directors shall serve until their successors have been elected and have qualified. In case the office of any director shall for any reason become vacant, the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve until the next regular district election and until his successor has been elected and qualified. In case vacancies shall occur in the offices of two directors, the state engineer and the remaining director shall fill the vacancies; and in the event that vacancies shall occur in the offices of all the directors, the state engineer shall fill the vacancies by appointment. A director elected to fill a vacancy shall serve the balance of the term in which the vacancy occurred.

§ 18. OATH OF DIRECTORS.) After notice of his election a director shall take the oath of office prescribed for civil officers. Such oath of office shall be filed in the office of the state engineer.

§ 19. MEETING OF DIRECTORS: ORGANIZATION; OFFICERS; QUORUM.) The directors elected at the election approving establishment of a reclamation district shall meet at the time and place designated by the state engineer and shall organize by selecting one of their members as chairman of the board. A temporary secretary shall be named until a permanent secretary of the board has been appointed. After organization of the board a majority of the directors shall constitute a quorum for the transaction of such business as may come before the board. The board shall appoint a secretary and a treasurer and may, if deemed advisable, appoint an assessor and such other employees as the board shall deem necessary for the conduct of the district's business, and shall fix their compensation. Officers and employees appointed by the board shall hold office during the pleasure of the board. The office of secretary, assessor, and treasurer may be held by the same person. Each succeeding board of directors shall appoint its officers and employees.

§ 20. BOND OF TREASURER AND OTHER EMPLOYEES.) The treasurer of a reclamation district shall be bonded in an amount not less than double the amount of money that may come into his hands, such amount to be determined by the board of directors, but such bond shall not be less than one thousand dollars. Other appointive officers and employees shall be bonded in such amounts as the board may prescribe. Every officer or employee of whom a bond is required under the provisions of this act shall be deemed bonded in the state bonding fund upon notice of appointment or election given to the commissioner of insurance by the secretary of the district or by the state engineer. Upon notification by the commissioner of insurance of the amount of the premium of such bond or bonds the secretary of the district shall forthwith remit the same.

§ 21. NOTICE OF DISTRICT ELECTION.) Not more than ten days and not less than a week before an election is held for a reclamation district the secretary of the board of directors shall cause to be published once in the official newspaper of the county or counties in which the district is located a notice of election. Such notice shall be in substantially the following form:

"Notice is hereby given that on the.....day of....., 19....., an election will be held at (here designate the polling place) for the purpose of electing.....members of the board of directors of.....reclamation district and for
Name of District
the purpose of voting upon such questions as shall be submitted to the owners of land in the district. Polls will be opened at

one o'clock p. m. and will be closed at five o'clock p. m. of that day. Failure to give such notice shall not, however, invalidate the election of a director elected at any regular election."

For a regular district election the polls shall be opened at one o'clock p. m. and kept open until five o'clock p. m. of the same day.

§ 22. BOARD OF ELECTION, COMPENSATION OF MEMBERS OF; OATH, CANDIDATES AT ELECTION.) Prior to the date of a district election the board of directors shall appoint from the owners of land in the district one clerk and two judges who shall constitute the board of election. If the directors shall fail to appoint such board of election, or if the members appointed do not attend at the opening of the polls on the day of election, owners of land in the district present at that hour shall select the members of the election board or select a substitute for an absent member thereof. Each member of such board of election shall receive five dollars for his services as a member thereof. The board of directors in its order or resolution appointing the members of the election board shall designate the time and place where the election will be held. Before opening the polls each member of the election board shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will perform my duties as.....according to law and to the best of my
Clerk or Judge
ability." A director may administer such oath.

Any person desiring to be a candidate for the office of director at a district election may file his or her name with the secretary of the board of directors not less than five days before such election. The polls shall be opened at one o'clock p. m. of the election day and for a regular election shall be kept open until five o'clock of the same day.

§ 23. CANVASS OF BALLOTS AFTER CLOSING OF POLLS. RETURN AND CANVASS OF VOTES BY BOARD OF DIRECTORS.) Immediately after the polls are closed, the election board shall publicly open and proceed to canvass the ballots cast and shall declare the result of such canvass. The clerk shall wrap securely all lists, tally sheets, oaths and affirmations, and other documents relating to the progress of the election and shall deliver the same to the secretary of the board of directors of the district.

The board of directors of the district shall meet at its usual place of meeting on the first Tuesday in March after each regular election and canvass the returns. The canvass shall be postponed from day to day until the returns have been received. The canvass shall be made in public by opening the returns and ascertaining the votes for each person voted for, and

declaring the result thereof, and also declaring the result as to each question or proposition voted upon. The board shall declare elected the person having the highest number of votes cast for the office of director. The secretary shall thereupon make out and deliver to the person elected a certificate of election signed by him and authenticated with the seal of the district. A statement of the results of a district election shall be filed by the secretary of the board with the county auditor of each county in which the reclamation district is located, and also with the state engineer.

§ 24. MEETINGS OF DIRECTORS. BOARD MAY ADOPT BY-LAWS, RULES AND REGULATIONS. QUORUM. COMPENSATION OF DIRECTORS.) The board of directors shall hold regular meetings at its usual place of business on the first Tuesday in January, March, July and November of each year at two o'clock p. m. of that day. The board may hold such special meetings as may be found necessary, and may adopt by-laws or rules and regulations with reference to the conduct of meetings and the business of the district. A majority of the members of the board shall constitute a quorum for the transaction of business. Special meetings shall be called by the secretary upon order of the chairman of the board or upon the request of the other two members. All records of the board shall be open to the inspection of any owner of land in the district during business hours. Each director shall receive five dollars per day and mileage at the rate of five cents per mile in attending meetings of the board, and actual and necessary expenses while engaged in official business of the district.

§ 25. OFFICERS NOT TO BE INTERESTED IN ANY CONTRACT.) No officer or director shall be interested in any manner, directly or indirectly in any contract awarded or to be awarded by the board.

§ 26. POWERS AND DUTIES OF BOARD OF DIRECTORS.) The board of directors of a reclamation district shall have the power and it shall be its duty:

1. To manage and conduct the business affairs of the district.
2. To make and execute all necessary contracts.
3. To employ such officers, agents and employees as may be necessary to efficiently conduct the business of the district and to fix their compensation.
4. To adopt a seal for the district. Such seal shall be kept in the custody of the secretary.

5. To enter upon any lands to make surveys and to locate the lines of any canal or canals and to locate the site of any pumping plant.
6. To acquire by purchase, condemnation, or otherwise, all lands and all property necessary for the construction, maintenance and operation of the facilities required to drain waters from the lands of the district.
7. To acquire, construct, or maintain, if found feasible and necessary, electric power lines to operate a pumping plant, or plants, and all necessary appurtenances thereto.
8. To submit, whenever the board shall deem it advisable, to the owners of land in the district, at any special or general election, any question, proposition or proposal relative to the affairs of the district.
9. To determine a plan or method of raising funds to finance the cost of constructing the facilities for the drainage of lands in the district. Such plan may provide for the issuance of bonds, or the issuance of district improvement warrants. The proceeding for issuance of bonds or district improvement warrants shall conform with the method or procedure prescribed by law for the issuance and sale thereof by irrigation districts.
10. To exercise all rights, powers, and authority, express or implied, that may be deemed necessary to do and perform and carry out all of the express purposes of this act, and of all purposes reasonably implied or incidental thereto.
11. To enter into an agreement or contract with any person, public or private corporation, or municipality for the drainage of waters from lots, parcels and pieces of land when drainage will promote public health, convenience, comfort and welfare.

§ 27. CONTRACTS ENTERED INTO BY DISTRICT. ADVERTISING FOR BIDS. LETTING OF CONTRACT; BOND REQUIRED.) All contracts entered into for any work authorized under the provisions of this act shall be entered into in the name of the district, and shall be executed on the part of the district by the chairman of the board of directors and countersigned by the secretary. Contracts entered into for the construction of works and facilities required for the drainage of district lands, and contracts for material, shall be let after advertising for bids in conformity with the requirements prescribed for irrigation districts under Section 61-0709 of the Revised Code of North Dakota for 1943.

§ 28. EXPENSE OF ACQUIRING PROPERTY AND CONSTRUCTION OF DRAINAGE WORKS.) The cost of acquiring property or constructing the works required for the drainage of district lands shall be paid out of funds raised for such purpose. In case bonds, or the proceeds from the sale of any series of bonds, or in case district improvement warrants or the proceeds from the sale thereof, are insufficient for the purpose for which they were issued, additional bonds or warrants may be issued after submission of the question at a general or special election to the owners of lands in the district. Such bonds and improvement warrants must be paid in the order of their priority.

§ 29. PROCEEDINGS FOR ISSUANCE OF BONDS AND FOR DISTRICT IMPROVEMENT WARRANTS.) Proceedings for the issuance of bonds and for issuance of improvement warrants by a reclamation district shall conform with the provisions of the various sections under chapter 61-08 of the Revised Code of North Dakota for 1943 relative to the issuance of bonds and improvement warrants by irrigation districts.

§ 30. BOARD TO LEVY ASSESSMENTS AGAINST LANDS OF DISTRICT; AMOUNT DETERMINED.) The board shall levy assessments against the lands of the district sufficient:

1. To pay interest on outstanding bonds and warrants.
2. To create a sinking fund to retire outstanding bonds or improvement warrants at maturity; and
3. To pay any and all obligations of the district due or to become due, including cost of operation and maintenance of the works established to drain waters from the lands in the district.

§ 31. ASSESSMENTS TO BE SPREAD IN PROPORTION TO BENEFITS.) Whenever an assessment is made by a reclamation district it shall be apportioned to and spread upon the lands therein in proportion to benefits received, either directly or indirectly. Bonds, warrants and other obligations incurred by the district shall be held to be the obligations of the district. The board of directors shall assess the percentage of the cost of constructing and maintaining the works established for the drainage of lands in a district which any lot, piece, or parcel of land shall be liable to pay by reason of the benefits accruing thereto.

§ 32. REVIEW OF ASSESSMENTS; NOTICE OF, PLACE OF HEARING.) Ten days notice of the time and place where objections to assessments apportioned by the board of directors will be heard by the board shall be given by publication in a newspaper of general circulation in each county in which the recla-

mation district is situated. Printed or typewritten notices shall also be mailed to the last known address of each land owner whose land will be subject to assessment. The place appointed for such hearing shall, insofar as is practicable, be convenient and accessible for the majority of the owners of lands assessed. At the time and place appointed the board shall hear all complaints and objections relative to such assessments and shall correct or confirm the same.

§ 33. APPEAL TO DISTRICT COURT.) Should any land owner believe that the assessment of benefits apportioned to his lands has not been fairly or equitably made he may appeal to the district court of the county wherein such land is situated by filing a petition for a review of such assessment with the clerk of court of such county. Such petition must be filed within fifteen days after such assessment is finally made. The appellant must file with the clerk of the district court, and serve upon a member of the district board, a notice of appeal and must give an undertaking to be approved by the clerk of court in the sum of two hundred fifty dollars for the payment of the costs in the event he is unsuccessful in the district court. An appeal from the decision of the district court to the supreme court may be taken by either party to the proceeding if aggrieved thereby.

§ 34. COLLECTION OF TAXES.) Special assessment taxes assessed by a reclamation district shall be certified to the county auditor of the county in which the lands assessed are situated and shall be spread by him against the lands assessed. Such taxes shall be collected by the county treasurer. The county treasurer, in which a majority of the whole number of acres in a reclamation district are situated, shall be the custodian of district sinking funds. Taxes levied and collected for purposes of operation and maintenance shall be paid by the county treasurer to the district treasurer and shall be deposited by him in the bank or depository designated by the board of directors. Checks or warrants issued by the district treasurer to pay expenses of the district shall be signed by the district treasurer and countersigned by the chairman of the board of directors of the district. Statutory provisions applicable to the collection of taxes for irrigation districts and proceedings founded thereon shall be applicable to the collection of such taxes for reclamation districts and proceedings to enforce the collection of such taxes when unpaid and delinquent.

§ 35. WHEN DRAINAGE WORKS PROMOTE HEALTH; PUBLIC CONVENIENCE, SAFETY AND WELFARE OR BENEFIT HIGHWAYS.) Whenever the state highway commissioner or the governing board of any county or township shall find that the construction and

maintenance of a highway or highways under his or its jurisdiction will be benefited by the establishment of a reclamation district and the construction and operation of drainage works therein, said highway commissioner or such governing board may join in the petition of owners of land in a proposed district for the establishment thereof as a reclamation district and may undertake and agree to pay a part of the cost of such works and part of the annual cost of maintenance thereof. And if the governing board of a city or village shall determine that the health, convenience, comfort and welfare of its inhabitants will be promoted and protected by the construction and operation of such drainage works, such governing board may likewise, but subject to statutory tax limitations, undertake and agree to pay a part of such construction and maintenance costs.

§ 36. 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 13, 1953.

WEEDS

CHAPTER 349

H. B. No. 572
(Legislative Research Committee)

TRANSPORTATION OF NOXIOUS WEED SEED; PENALTY

AN ACT

Prohibiting transportation of grain screenings containing noxious weed seed on any highway, road or street unless carried in vehicles or containers which prevent leaking or scattering; and providing for penalty.

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

§ 1. NOXIOUS WEED SEED; TRANSPORTATION; PENALTY.) No grain screenings of any kind containing noxious weed seed shall be transported by any person over or along any highway, road or street in this state unless the same is carried or transported in such vehicles or containers as will prevent the leaking or scattering thereof. Any person who violates the provisions, or who fails or refuses to comply with the requirements, of this section shall be fined not more than one hundred dollars and costs of prosecution for the first offense nor more than five hundred dollars and costs of prosecution for each subsequent offense.

Approved February 5, 1953.

WEIGHTS, MEASURES AND GRADES

CHAPTER 350

S. B. No. 228
(Freed and Thomas)

FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES

AN ACT

To amend and reenact section 1 of chapter 340 of the Session Laws of 1951 of the State of North Dakota relating to inspection of weighing and measuring devices and providing for a change in the fee schedule for such inspectors.

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

§ 1. AMENDMENT.) Section 1 of chapter 340 of the session laws of the state of North Dakota is hereby amended and reenacted to read as follows:

64-0210. FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES.) The chief inspector or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

For inspecting railroad and track scales of capacity of twenty tons and upwards.....	\$ 12.00
For inspecting vehicle scales and livestock scales of eight thousand pounds capacity and over.....	\$ 8.00
For inspecting dormant scales, less than eight thousand pounds capacity, or hopper scales, each	\$ 3.00
For inspecting movable platform scales.....	\$.75
For inspecting all counter or computing scales, each	\$.75
For inspecting every patent balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each.....	\$.75
For inspecting any two bushel or one bushel measure	\$.40

For inspecting any other dry measure, each.....	\$.15
For inspecting any liquid measure or computing pump	\$.75
For inspecting liquid measures of five gallons or less capacity, each	\$.40
For inspecting any board of cloth measure, each....	\$.25
For calibrating truck tanks of one thousand gal- lons capacity and under	\$ 8.00
Truck tanks between one thousand gallons and two thousand gallons.....	\$ 12.00
Truck tanks between two thousand gallons and three thousand gallons.....	\$ 16.00
Truck tanks between three thousand gallons and four thousand gallons.....	\$ 20.00
Truck tanks between four thousand gallons and five thousand gallons.....	\$ 24.00
Truck tanks between five thousand gallons and six thousand gallons	\$ 28.00
Truck tanks between six thousand gallons and seven thousand gallons	\$ 32.00
All tanks above seven thousand gallons.....	\$ 36.00

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use and the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the inspector or other employee of the department of weights and measures shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted or out of repair, it shall be his duty to correct such scale or measure and he shall collect for such service two dollars per hour for the actual time consumed in making such corrections, and shall receive reasonable compensation for any material used in such corrections.

Approved March 16, 1953.

WORKMEN'S COMPENSATION

CHAPTER 351

H. B. No. 818

(Gray, Trydahl, Simenson, Siverson)

APPOINTMENT OF BOILER INSPECTOR BY WORKMEN'S COMPENSATION BUREAU; DUTIES; APPROPRIATION

AN ACT

Providing for the appointment of a boiler inspector by the workmen's compensation bureau; the inspection of certain boilers; providing for fees for inspection of same; and making an appropriation.

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

§ 1. BOILER INSPECTION APPOINTMENT.) The commissioners of the North Dakota workmen's compensation bureau shall appoint a boiler inspector who shall hold office at the will of the bureau.

§ 2. QUALIFICATIONS OF BOILER INSPECTOR.) No person shall be eligible to the office of boiler inspector unless he:

1. Has had at least ten years experience in the construction, maintenance or repair of high pressure boilers as a mechanical engineer, steam engineer, boilermaker or boiler inspector within five years immediately preceding his appointment.
2. Shall hold a certificate of competency issued by the national board of boiler and pressure vessel inspectors or shall obtain such certificate within one year after date of appointment by the bureau.
3. Shall not be directly or indirectly interested in the manufacture or sale of boilers or steam machinery or articles used in the construction or maintenance of engines or boilers.

§ 3. DUTIES OF INSPECTOR.) It shall be the duty of the inspector to

1. Inspect all boilers in the state as required in section 4 to insure the safe operation of same.

2. Issue, suspend, or revoke for cause, inspection certificates as provided in section 6.
3. Keep a complete record of the type dimensions, maximum allowable working pressure, age, condition, location and date of the last recorded internal and external inspection of boilers to which this Act applies.
4. Cooperate and assist in all accident prevention programs sponsored by the workmen's compensation bureau.

§ 4. GENERAL REQUIREMENT.) Every boiler used or destined to be used in any establishment in this state shall be so constructed and maintained as to safely sustain the pressure at which said boiler is designed and intended to operate. Nothing in this act shall be construed to apply to:

1. Boilers subject to federal inspection.
2. Boilers located on farms.
3. Boilers carrying a pressure of less than fifteen pounds per square inch which are equipped with safety devices approved by the bureau unless located in theatres, schools, hospitals or public buildings.
4. Hot water heating boilers carrying a pressure of no more than 30 pounds per square inch gauge.
5. Portable steam cleaners of the type in common use in garages.

§ 5. INSPECTION OF INSURED BOILERS.) If a boiler is insured by a company authorized to insure boilers in this state against loss from explosion, the inspection may be made by a qualified inspector of such company providing a complete report of such inspection is filed with the bureau on American society of mechanical engineers forms within 15 days of inspection.

§ 6. CERTIFICATE OF INSPECTION.) A certificate of inspection for each boiler inspected shall be issued by the bureau upon payment direct to the bureau of a fee of two dollars. Such inspection certificate shall be valid for a period of not more than fourteen (14) months. No certificate of inspection shall be issued for any boiler not in a safe condition to be operated. The inspection fees for the inspection of non insured boilers must be paid before a certificate of inspection is issued.

§ 7. CERTIFICATE TO BE POSTED.) Each certificate of inspection shall be posted conspicuously in the boiler room or adjacent to such boiler.

§ 8. CONSTRUCTION OF BOILERS.) The bureau shall promulgate rules and regulations for the safe and proper installation use and operation of boilers subject to this act.

§ 9. MANUFACTURER'S DATA REPORT.) The manufacturer must provide the bureau with manufacturer's data report. This data sheet together with the stamp on the boiler shall be the record denoting that the boiler has been constructed in accordance with the rules and regulations as specified in section 7, signed by an authorized inspector.

§ 10. INSPECTION OF BOILERS.) On and after July 1, 1953, each boiler used or proposed to be used within this state, except boilers exempt in section 4 of this act, shall be thoroughly inspected as to their construction, installation, condition and operation as follows:

1. Power boilers shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible.
2. Low pressure heating boilers shall be inspected both internally and externally biennially where construction will permit; provided that a grace period of two (2) months longer than the twenty-four (24) months period may elapse between internal inspection of a boiler while not under pressure or between external inspections of a boiler while under pressure.

§ 11. INSPECTION FEES.) The owner or user of a boiler required by this act to be inspected by the boiler inspector, shall pay to the bureau, upon completion of inspection, fees in accordance with the following schedule: power boilers internal inspections boilers of five (5) horse power or less, or fifty (50) square feet of heating surface . . . five dollars. Boilers over five horse power or over fifty square feet of heating surface . . . ten dollars. Water tube boilers, two thousand five hundred square feet heating surface or over . . . twelve dollars.

EXTERNAL INSPECTIONS

Boilers over fifty square feet of heating surface...three dollars
 Low pressure heating boilers:
 Inspection of heating boilers.....three dollars
 Water tube boilers, two thousand five hundred
 square feet heating surface or over.....three dollars
 Not more than fifteen dollars shall be charged or collected
 for any and all inspections, as above, of any boiler in any one
 year.

§ 12. DISPOSITION OF FUNDS.) All funds collected and received under this act shall be paid to the state treasurer and deposited to the credit of the workmen's compensation bureau fund.

§ 13. BOILER INSPECTOR TO FURNISH BOND.) The boiler inspector shall furnish a bond in the sum of two thousand dollars conditioned upon the faithful performance of his duties.

§ 14. APPROPRIATION.) There is hereby appropriated out of the moneys in the workmen's compensation bureau fund the sum of twenty thousand dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this act, for the biennium beginning July 1, 1953 and ending June 30, 1955.

§ 15. REPEALING CLAUSE.) All acts and parts of acts inconsistent with any provisions of this act are hereby repealed to the extent of such inconsistency.

§ 16. CONSTITUTIONALITY OF ACT.) The fact that any section, subsection, sentence, clause, or phrase of this act is declared unconstitutional or invalid for any reason shall not affect the remaining portions of this Act.

Approved March 21, 1953.

CHAPTER 352

H. B. No. 710

(Anderson of Ransom, and Crothers)

WORKMEN'S COMPENSATION PREMIUM PAYMENTS; MAXIMUM REMUNERATION FOR COMPUTING PREMIUMS

AN ACT

To amend and reenact section 65-0404 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended by section 2 of chapter 344 of the 1951 Session Laws, relating to employer's obligation to pay premiums; determination of premiums and providing for maximum remuneration upon which premiums may be computed; premiums, receipts, and certificates to be mailed.

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

§ 1. AMENDMENT.)

65-0404. EMPLOYERS OBLIGATED TO PAY PREMIUMS: DETERMINATION OF PREMIUMS; PREMIUM RECEIPTS AND CERTIFICATES TO BE MAILED.) Each employer subject to the provisions of this title shall pay into the fund annually the amount of premiums determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made

and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title; provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration, in whatever form, in excess of the sum of thirty-six hundred dollars paid to any employee by any employer. A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by common school districts fall due at the end of the fiscal year of such common school districts and may make provisions so that premiums of other employers fall due on different dates to the end that the business of the bureau may be distributed as evenly as possible throughout the year.

Approved March 10, 1953.

CHAPTER 353

S. B. No. 83
(Rue)

ALLOWANCES; PREMIUMS, ETC.; WORKMEN'S COMPENSATION

AN ACT

To amend and reenact section 1 of chapter 344 of the 1951 Session Laws of North Dakota; section 5 of chapter 344 of the 1951 Session Laws of North Dakota; section 6 of chapter 344 of the 1951 Session Laws of North Dakota; section 7 of chapter 344 of the 1951 Session Laws of North Dakota; section 65-0514 of the North Dakota Revised Code of 1943; section 65-0515 of the North Dakota Revised Code of 1943; section 65-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943, pertaining to workmen's compensation.

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

§ 1. AMENDMENT.) Section 1 of chapter 344 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

65-0214. BUREAU TO AID IN REHABILITATING PERSONS INJURED IN EMPLOYMENT.) The bureau shall cooperate with such

federal department or agency as shall be charged with vocational education and vocational rehabilitation to the ends that persons injured in the course of employment may be restored to industry and that industrial cripples may obtain training, education, and employment. An allowance for dependents of not to exceed twenty-five dollars per week for a maximum of seventy-two weeks may be paid from the fund during the rehabilitation period.

§ 2. AMENDMENT.) Section 5 of chapter 344 of the 1951 session laws of North Dakota 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 eighty per cent of his weekly wage adjusted to the next highest multiple of twenty-five cents, subject to the maximum and minimum limitations contained in section 65-0511. In case of temporary or permanent total disability, there shall be paid to such disabled employee an additional sum of two dollars and eighty cents per week for each dependent child under the age of eighteen years, and for each child over eighteen years and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the children may be made direct to either parent at the discretion of the bureau. In no event shall the total weekly payment to the totally disabled employee exceed the sum of forty-five dollars and fifty cents per week, and in no case shall the compensation and dependency award exceed the actual wage of the disabled employee except in those cases on which the minimum compensation award is applied.

§ 3. AMENDMENT.) Section 6 of chapter 344 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

65-0511. MAXIMUM AND MINIMUM COMPENSATION ALLOWANCES; TOTAL AND PARTIAL DISABILITY.) The weekly compensation for total disability shall not be more than thirty-one dollars and fifty cents, except where an allowance for dependents is made in compliance with section 65-0509, nor less than fifteen dollars. This provision shall be applicable to all permanent total disability awards from the effective date of this act. The weekly compensation for partial disability shall not be more than thirty-one dollars and fifty cents. If the injured person, at the time of the injury, was a minor or was employed in a learner's capacity, and was not physically or mentally

defective, the bureau from time to time shall determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

§ 4. AMENDMENT.) Section 7 of chapter 344 of the 1951 session laws of North Dakota is hereby amended and reenacted to read as follows:

65-0513. SCHEDULED INJURIES: PERMAMENT LOSS OF MEMBER; WEEKLY COMPENSATION; TIME COMPENSATION PAYABLE.) If the injury causes the loss of a member, the fund shall pay to the disabled employee a weekly compensation equal to twenty-two dollars per week for the following periods:

1. For loss of arm at shoulder.....250 weeks;
2. For loss of arm at or above elbow.....220 weeks;
3. For loss of hand at or above wrist.....200 weeks;
4. For loss of thumb..... 65 weeks;
5. For loss of second or distal phalange of thumb 28 weeks;
6. For loss of first finger..... 40 weeks;
7. For loss of middle or second phalange of first finger 28 weeks;
8. For loss of third or distal phalange of first finger 22 weeks;
9. For loss of second finger..... 30 weeks;
10. For loss of middle or second phalange of second finger 22 weeks;
11. For loss of third or distal phalange of second finger 14 weeks;
12. For loss of third finger..... 20 weeks;
13. For loss of middle or second phalange of third finger..... 16 weeks;
14. For loss of third or distal phalange of third finger 10 weeks;
15. For loss of fourth finger..... 16 weeks;
16. For loss of middle or second phalange of fourth finger 12 weeks;

- | | |
|-----------------------------------------------------------------|------------|
| 17. For loss of third or distal phalange of fourth finger | 6 weeks; |
| 18. For loss of leg at hip..... | 234 weeks; |
| 19. For loss of leg at or above knee..... | 195 weeks; |
| 20. For loss of foot at or above ankle..... | 150 weeks; |
| 21. For loss of great toe..... | 30 weeks; |
| 22. For loss of second or distal phalange of great toe | 18 weeks; |
| 23. For loss of any other toe..... | 12 weeks; |
| 24. For loss of middle or second phalange of any other toe..... | 10 weeks; |
| 25. For loss of third or distal phalange of any other toe | 7 weeks; |
| 26. For loss of an eye..... | 150 weeks; |
| 27. For loss of hearing in one ear..... | 50 weeks; |
| 28. For loss of hearing in both ears..... | 200 weeks; |

The amount paid for the loss of more than one finger of one hand shall not exceed the amount provided in this schedule for the loss of a hand. For the loss of the metacarpal bone, of the palm, together with the corresponding thumb or finger ten weeks shall be added to the number of weeks of payment. The permanent loss of use of a thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg or eye, and compensation for partial loss of use of said parts shall be allowed on a percentage basis. Twenty-five per cent additional shall be allowed as compensation for the loss of use of the master hand or any member or members thereof. The loss of use on a percentage basis of the master hand or any member or members thereof, or the amputation of the master hand or any member or members thereof. The loss of any part of a phalange shall be considered equal to the loss of the entire phalange. If any employee dies, the right of any compensation payable under section 65-0512 of this section, unpaid at the date of his death shall survive and pass to his dependent spouse, minor children or parents.

§ 5. AMENDMENT.) Section 65-0514 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0514. SCHEDULED INJURIES; PERMANENT PARTIAL LOSS OR USE OF MEMBER; WEEKLY COMPENSATION; TIME COMPENSATION PAYABLE.) If an injury causes the permanent partial loss of the

use of a member or of the sight of an eye, the fund shall pay to the disabled employee a weekly compensation for that proportion of the number of weeks specified in the schedule in section 65-0513 for the loss of such member or of the sight of an eye, which the partial loss of the use thereof bears to the total loss of the use of such member or eye.

§ 6. AMENDMENT.) Section 65-0515 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0515. AGGRAVATION OF INJURY OR DISEASE; COMPENSATION AND BENEFITS NOT PAID FOR PREEXISTING CONDITION.) In case of aggravation of an injury or disease existing prior to a compensable injury, compensation, medical, hospital or funeral expenses, or death benefits, shall be allowed by the bureau and paid from the fund only for such proportion of the disability, death benefits, or expense arising from the aggravation of such prior disease or injury as reasonably may be attributable to such compensable injury. But any compensation paid on the basis of aggravation shall not be less than ten dollars per week unless the actual wages of claimant shall be less than ten dollars, in which event the actual wages shall be paid in compensation.

§ 7. AMENDMENT.) Section 65-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0517. WEEKLY COMPENSATION FOR DEATH.) If death results from an injury under the conditions specified in section 65-0516, the fund shall pay to the following persons, for the periods specified, a weekly compensation equal to the following percentages of the deceased employee's weekly wages:

1. To the widow, if there is no child, forty-five per cent, and such compensation shall be paid until her death or remarriage;
2. To the widower, if there is no child, forty-five per cent if he was wholly dependent upon the support of the deceased employee at the time of her death, and such compensation shall be paid until his death or remarriage;
3. To the widow or widower, if there is a child, the compensation payable under subsections 1 or 2, and in addition thereto, ten per cent for each child. Such compensation, however, shall not exceed a total of seventy-five per cent for the widow or widower and the children.

The compensation payable on account of any child shall cease when such child dies, marries, or reaches the age

of eighteen years, or, if over eighteen years of age and incapable of self-support, becomes capable of self-support;

4. To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not exceeding, however, a total of seventy-five per cent. The compensation hereunder shall not be for the specific children but shall be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen years, or, if over eighteen years of age and incapable of self-support, becomes capable of self-support. Compensation for a child under legal age shall be paid to its guardian;
5. To the parent, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent, twenty per cent to each; if one or both are partially dependent, a proportionate amount in the discretion of the bureau. The foregoing percentages shall be paid only if there is no widow, widower, or child. If there is a widow, widower or child, there shall be paid only such part of the foregoing percentages that, when added to the total of the percentages payable to the widow, widower, and children, the sum shall not exceed the total of seventy-five per cent. The compensation of each such beneficiary may continue until such parent dies, remarries or ceases to be a dependent.
6. To a brother, sister, grandparent, or grandchild who is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent; if more than one are wholly dependent, thirty per cent divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten per cent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only such part of the foregoing percentages that, when added to the total percentages payable to the widow, widower, children, and dependent parents, the sum shall not exceed a total of seventy-five per cent. The compensation of each such beneficiary shall be paid for a period of eight years from the time of the death of the employee unless before that time, he, if a grandparent, dies, remarries, or ceases to be

dependent, or if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen years, or if over eighteen years of age and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his guardian.

The weekly wages of the deceased employee shall be considered to have been not more than forty dollars, and not less than thirty dollars. The increase in payments resulting from the enlargement of the salary base shall be payable to all pensioners and dependents but only from and after the taking effect of this act.

In addition to the awards made to a pensioner herein the commissioners shall make an award in the sum of three hundred dollars to the widow of the deceased and one hundred dollars to each dependent child, the total amount of such additional award not to exceed six hundred dollars, and such additional award shall be charged to the general fund. This paragraph shall apply only to claims filed from and after the taking effect of this act.

Approved March 20, 1953.

INITIATED MEASURES, APPROVED

CHAPTER 354

EXEMPTION OF FOOD AND FOOD PRODUCTS, DRUGS AND MEDICINES FROM SALES TAX

An initiated measure to amend and reenact section 57-3903, of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, relating to taxation; and providing that sales of food and food products, and drugs and medicines used for human consumption be exempted from the sales tax imposed by chapter 57-39 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended.

Be It Enacted by the People of the State of North Dakota:

SECTION 1. AMENDMENT.) Section 57-3903 of the 1949 Supplement to the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

57-3903. EXEMPTIONS.) There are hereby specifically exempted from the provisions of this act (chapter) and from computation of the amount of tax imposed by it, the following:

1. The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state;
2. The gross receipts from the sales, furnishing or service of transportation service;
3. The gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;
4. The gross receipts from sales of tickets, or admissions to state, county, district and local fairs, and the gross receipts from educational, religious or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;
5. The gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs;
6. Gross receipts from sales of tangible personal property or from furnishing or service of steam, gas, electricity, water,

and communication service to the United States, state of North Dakota, or any of its subdivisions, departments or institutions, any county, city, village, township, school district, park district, or municipal corporations; and

7. The gross receipts from sales of foods and food products, and drugs and medicines used for human consumption.

Approved November 4, 1952.

119641 to 119065

Note—The attorney general has held that the above initiated act is void and without effect upon chapter 328, S.L. 1951, the present sales tax law.

CONSTITUTIONAL AMENDMENT PROPOSED

CHAPTER 355

SENATE CONCURRENT RESOLUTION "E" (Judiciary Committee)

CAPITAL STOCK AND INDEBTEDNESS OF CORPORATIONS

A concurrent resolution providing for the amendment of the constitution of the State of North Dakota relating to corporate stock issues.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

The following amendment to the constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of North Dakota for approval or rejection at the primary election in June, 1954, in accordance with the provisions of section 202 of the North Dakota constitution, as amended:

SECTION 1.) Section 138 of Article VII of the constitution of the state of North Dakota is hereby amended to read as follows:

SECTION 138.) No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained.

Filed March 9, 1953.

CONSTITUTIONAL AMENDMENTS APPROVED

INVESTMENT OF MONEYS OF THE PERMANENT SCHOOL FUNDS AND OTHER EDUCATIONAL FUNDS (Chapter 347, S.L. 1951)

ARTICLE 61

SECTION 162.) The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, or on first mortgages on farm lands in this state to the extent such mortgages are guaranteed or insured by the United States or any instrumentality thereof, or if not so guaranteed or insured, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned such value to be determined by the board of appraisal of school lands.

Approved June 24, 1952.

99187 to 49778

COUNTY OFFICERS (Chapter 346, S.L. 1951)

ARTICLE 62

SECTION 173.) At the first general election after the adoption of this amendment, and every two years thereafter, there shall be elected in each county, organized under the provisions of section 172 of the constitution of the state of North Dakota, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and a clerk of the district court, who shall be electors in the county in which they are elected and who shall hold office until their successors are elected and qualified; provided in counties having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having a population of six thousand or less, the register of deeds shall also be clerk of the district court and county judge. The treasurer of any county shall not hold his or her respective office for more than

four years in succession. The legislative assembly shall enact appropriate legislation to make this amendment effective at their first session after its adoption.

Approved June 24, 1952.

100197 to 59694

LOCATION OF SCHOOL FOR THE BLIND
(Chapter 348, S.L. 1951)

ARTICLE 63

SECTION 216.) Second: The blind asylum shall be known as the North Dakota school for the blind and may be removed from the county of Pembina to such other location as may be determined by the board of administration to be in the best interests of the students of such institution and the state of North Dakota.

Approved June 24, 1952.

108469 to 61006

CONSTITUTIONAL AMENDMENT DISAPPROVED

AUTHORIZING MUNICIPAL LIQUOR STORES (Chapter 345, S.L. 1951)

Proposed by the Thirty-second Legislative Assembly of the state of North Dakota as Senate Concurrent Resolution "Q", being also chapter 345, session laws of 1951, providing for an amendment of the Constitution of the State of North Dakota authorizing municipal liquor stores.

Disapproved November 4, 1952.

159250 to 85923

INITIATED MEASURES, DISAPPROVED

CLEARING CHECKS AT PAR BY BANKS AND TRUST COMPANIES

A petition for an act to provide for the clearing at par of checks drawn on any bank or trust company organized under the laws of the state of North Dakota, and providing for penalties for the violation thereof.

Disapproved November 4, 1952.

129081 to 115380

HOURS OF SALE OF ALCOHOLIC BEVERAGES AND CLOSING OF PLACES WHERE ALCOHOLIC BEVERAGES ARE SOLD

To amend and reenact section 1 of chapter 49 of the session laws of the state of North Dakota for 1945, being section 5-0123 of the 1949 Supplement to the North Dakota Revised Code of 1943, providing for hours of sale of alcoholic beverages, and further providing for hours of closing of places where alcoholic beverages are sold.

Disapproved November 4, 1952.

150231 to 110506

REFERRED MEASURE DISAPPROVED

LEGALIZING USE OF PARKING METERS—LIMITATION

Referendum of a measure designated as House Bill 666, enacted by the 32nd Legislative Assembly of the state of North Dakota, amending and reenacting that certain initiated measure approved June 29, 1948, which initiated measure made it unlawful for the state of North Dakota, or any of its subdivisions or agencies, to establish and maintain parking meters, and which House Bill 666 would make the use of parking meters legal in the state of North Dakota.

Disapproved June 24, 1952.

85940 to 82740

VETOES

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

TAXATION OF MINERAL RIGHTS SEVERED FROM SURFACE INTERESTS

AN ACT

To provide a tax upon mineral rights severed from surface interests, and to repeal sections 57-0224, 57-0225 and 57-2430 of the North Dakota Revised Code of 1943.

VETO

March 21, 1953

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill 40, a bill to provide a tax upon mineral interests severed from surface interests.

Present laws provide for the assessment of minerals as other property is assessed. The purposes of this bill can be accomplished if present assessment laws are complied with. Especially would this be so in a proven oil field.

The surface owner under this bill acquires also a priority in the purchase from the county of previously severed mineral interests underneath his land, which to him perhaps is an advantage. However, this would most likely apply only when such interests at the time of purchase appeared to be of small value. He can under present laws eventually purchase such interests forfeited to the county for non-payment of taxes also.

I sympathize with the surface owner who sold his mineral interests for a small consideration. Naturally he desires to regain possession of such rights just as cheaply as possible. However, I do not believe it should be done at the expense of the surface owner who has retained his mineral interests. In a proven oil field this assessment could result in a tax beyond his ability to pay when development may not produce oil on his land for several years.

I therefore veto this bill.

Respectfully submitted,
NORMAN BRUNSDALE
GOVERNOR

NB:IN

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

§ 1. REPEAL.) Sections 57-0224, 57-0225 and 57-2430 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 2. NON-SEVERED MINERAL RIGHTS ASSESSED WITH SURFACE INTERESTS.) Where mineral interests are not permanently severed from the surface ownership the same shall be deemed a part of the real estate and the assessed valuation of such real estate shall be deemed to include all mineral rights as well as surface rights. A lease shall not be deemed to permanently sever any mineral interests.

§ 3. SEVERED RIGHTS ASSESSED APART FROM SURFACE INTERESTS.) Where any part of the mineral rights in any real estate shall have been permanently severed from the surface ownership, such mineral interests shall be assessed and taxed separate and apart from the surface interests in the same manner as other interests in real estate are assessed and taxed, and the assessed value of the surface interests shall be decreased accordingly; and, except as provided in section 4 of this act, such mineral interests shall be subject to foreclosure for delinquent taxes and sold in the manner provided by law for the sale of real property for delinquent taxes.

§ 4. SURFACE OWNER MAY PURCHASE FORECLOSED MINERAL RIGHTS.) Upon taking title to any mineral interest for the non-payment of taxes, the state, by the county auditor of the county wherein such mineral interest is situated, shall notify the owner of the surface rights and such owner shall have the right within thirty days of such notice to purchase such mineral interest by paying to the county auditor the amount of all delinquent taxes with interest and penalty thereon, including the expenses of any tax proceedings had by such county; the state of North Dakota by such county auditor shall thereupon convey such mineral interest to the owner of the surface rights. If there shall be more than one person interested in the surface rights to the land in which the forfeited mineral interest exists, any one of such owners may purchase such mineral interest from the state, but he shall hold the same in trust for all of the persons interested in the surface rights, and upon payment to him of a pro rata share of the amount so paid by him he shall convey a proportionate interest to each of the other interested parties.

Vetoed March 21, 1953.

S. B. No. 106
(Olson, Troxel and Krenz)

SALE, PURCHASE, AND USE OF EGGS
FOR HUMAN CONSUMPTION

AN ACT

Relating to the regulation of the sale, purchase, and use of eggs for human consumption; creating a new body of law and providing for the administration thereof through the creation of a North Dakota egg commission; requiring the licensing of persons engaged in the sale, purchasing, dealing, and trading of eggs and the keeping of records by persons so licensed; adopting federal standards and grades for individual shell eggs; establishing a penalty for violation of this act; and repealing chapter 19-07 of the North Dakota Revised Code of 1943.

VETO

March 21, 1953

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill 106, a bill relating to the regulation of the sale, purchase and use of eggs for human consumption, creating a North Dakota Egg Commission and providing for licensing of persons dealing in eggs.

Under present laws the regulation of the egg industry is under the State Laboratories Department as provided for in Chapter 19-07 of the North Dakota Revised Code. Under Section 19-0202 this department can in addition adopt rules and regulations governing the inspection of food.

Substantially the provisions of this bill can be carried out by the laboratories department without a duplication of inspectors as would result if Senate Bill 106 were enacted into law.

I therefore veto this bill.

Respectfully submitted,

NORMAN BRUNSDALE
GOVERNOR

NB-IN

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

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

1. "Department" shall mean the North Dakota department of agriculture and labor;
2. "Commission" shall mean the duly appointed North Dakota egg commission.
3. "Person" shall mean and include any individual, firm, partnership, corporation, company or association, and shall include any trustee receiver, assignee, or similar representative thereof;
4. "Producer" shall mean poultry raisers, farmers, and individuals who produce eggs for sale;
5. "Graded" shall mean when used in connection with eggs that such eggs have been candled to remove inedibles and are sorted as to size or weight and quality;
6. "Ungraded" shall mean when used in connection with eggs that such eggs have been candled and all inedible eggs removed but are not sorted as to size or weight and quality;
7. "Centralizer" shall mean persons buying from two or more licensed dealers;
8. "Eggs unfit for human food" are eggs which consist in whole or in part of a filthy, decomposed, putrid substance or containing a foreign substance;
9. "Eggs" when used without further description or qualification shall include only fresh, sweet eggs;
10. "Candling" is the careful examination in a partially dark room or place of the whole egg by means of a strong light, the apparatus and method employed to be such as is approved by the commission.

§ 2. ESTABLISHMENT OF NORTH DAKOTA EGG COMMISSION.)
The North Dakota egg commission shall be composed of the several members of the North Dakota poultry improvement board, the commissioner of agriculture and labor, and one representative from the retail grocery industry who shall be appointed by the governor. The representative from the retail grocery industry shall serve for three years, each term commencing on the first day of July next following the date of appointment. On or before the first day of July in each year hereafter when a term of such representative of the retail grocery industry is to expire the governor shall reappoint such representative or appoint his successor. Vacancies arising by reason of the death, resignation, removal or disqualification of such representative shall be filled by appointment of the governor and the representative so appointed shall serve for

the unexpired term in which the vacancy has arisen. The members of the commission shall receive allowances or expenses not to exceed the amount allowed by the state for mileage and subsistence.

§ 3. ORGANIZATION OF THE COMMISSION; MEETINGS; OFFICERS.) Meetings of the commission shall be held as often as necessary except that there shall be no less than four such meetings in any one fiscal year. Meetings of the commission shall be called in the discretion of the chairman thereof and shall be held at a time and place to coincide with meetings of the North Dakota poultry improvement board insofar as that is possible. The chairman of said board shall have power to call special meetings whenever in its judgment a meeting is necessary. At the first meeting of the commission held after the first day of July of each year, the members of the commission shall elect from their number by a majority vote of the members present a chairman to preside at the meetings and such other officers as the members of the commission shall determine to be necessary. The powers and duties of such officers shall be limited and prescribed by a two-thirds vote of all members of the commission. The commission shall also have the power to appoint a permanent secretary who may or may not be a member of the commission. A majority of the members of the commission shall constitute a quorum for transacting business and each member present shall have a single vote for all purposes. The commission shall have the power to adopt all rules and regulations for the conduct of its business and meetings.

§ 4. ADMINISTRATION OF THE ACT.) The commission shall have the authority and it shall be its duty to promulgate regulations defining purchase and retail standards and grades for eggs; defining minimum plant requirements for candling, selling, and storage of eggs; and defining candling methods; and it shall be the duty of the commission to promulgate such additional rules and regulations as may be necessary for the enforcement of this Act. Any rules or regulations of this commission may be enforced according to law. It shall be the duty of the department of agriculture and labor to enforce the provisions of this Act and the rules and regulations adopted hereunder.

§ 5. LICENSE REQUIRED; APPLICATION, FEE AND RENEWAL.) No person shall engage in the business of buying, selling, dealing in or trading in eggs, in any location at any time without first having obtained a license for each place of business therefor from the department of agriculture and labor. Applications for such licenses shall be made in writing upon forms to be furnished by the department and each application

shall be accompanied by a license fee as hereinunder provided. The annual license fee shall be established by the egg commission and shall not exceed five dollars for each licensed buyer of eggs from producers and/or retail merchants who sell to the ultimate consumer and shall not exceed twenty-five dollars plus a bond of two thousand dollars for all centralizers. Every license shall expire on the 30th day of June next following the issuance thereof. Such license may be renewed for additional periods of one year upon written application therefor and payment of the prescribed fee for each place or location of business.

§ 6. PROHIBITING SALES.) No person shall sell, offer for sale or expose for sale or have in his possession for sale, in any location, at any time, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for human food in whole or in part shall be deemed adulterated. Eggs which contain black rot, white rot, mixed rot, sour eggs with green whites, eggs with stuck yolk, moldy eggs, musty eggs, eggs showing blood rings, eggs with embryo chicks, or any other eggs that are filthy, decomposed or putrid or which contain any other foreign or objectionable substances shall be deemed inedible.

§ 7. CANDLING, RECANDLING, CANDLING CERTIFICATE.)

1. All eggs shall be candled by the first licensed buyer, irrespective of time or season, and all adulterated eggs and inedible eggs shall be removed before purchase. Total payment shall not be made before candling. However, nothing in this section shall be construed so as to prevent a licensed buyer from advancing or making partial payment to the producer before such candling.
2. One candling certificate shall be placed on the top layer of each case of candled eggs by the person candling same. The candling certificate shall be in such form and shall contain such information as prescribed in the rules and regulations as promulgated by the commission pursuant to the provisions of this chapter.
3. No person shall sell, offer for sale, or expose for sale, or have in his possession any eggs in cases whereon the candling certificates have expired unless such eggs have been refrigerated within 48 hours from the time of first candling or have been recandled and all inedible eggs removed and a new candling certificate properly filled out and attached thereto. For the purposes of this act "expired" shall mean that seven days have elapsed after the date of candling.

§ 8. RECORDS AVAILABLE.) All licensed persons shall keep such candling records as may be provided by the rules and regulations promulgated by the commission as provided in this chapter, which records shall be available at all times for inspection or examination by the department or its duly appointed inspectors.

§ 9. LICENSE SUSPENDED OR CANCELLED FOR VIOLATION.) The commissioner of agriculture and labor shall have the power to suspend or cancel any license issued pursuant to the provisions of this chapter upon a showing that the licensee has violated any of the provisions of this Act or has refused to comply with any or all of the lawful regulations promulgated as provided in this chapter. Such cancellation or suspension shall be made only after hearing and in a manner as provided by the administrative agencies act of this state.

§ 10. VIOLATIONS.) Any person who violates any provision of this Act shall be guilty of a misdemeanor and shall be punished according to the provisions of the law provided therefor.

§ 11. APPROPRIATIONS.) There is appropriated out of any moneys in the state treasury, not otherwise appropriated, a sum not to exceed sixteen thousand dollars for the biennium ending June 30, 1955, for the payment of the costs and expenses of administration of the Act as herein provided.

§ 12. STANDARDS AND GRADES; GRADING NOT NECESSARY.) The North Dakota standards and grades for retail sales shall be in accordance with the U. S. standards and grades for individual shell eggs. Any person exposing or offering eggs for retail sale to a consumer shall give notice of the exact grade of eggs as promulgated in the rules and regulations, or the fact that they are ungraded, in the following manner:

1. If eggs are offered for sale in cartons, by plainly and conspicuously indicating on each carton the exact grade, or the fact that the eggs are ungraded.
2. If eggs are offered for sale in bulk, by plainly and conspicuously indicating the exact grade, or the fact that the eggs are ungraded by a placard exhibited among or adjacent to the eggs.

Nothing in this regulation shall be construed to make the grading of eggs compulsory, except that all eggs offered or exposed for retail sale shall be truthfully and plainly labeled as to grade or labeled "candled but ungraded."

§ 13. EXEMPTIONS.) A producer who sells only ungraded eggs produced by his own flocks shall be exempt from the licensing and candling provisions of this Act. Eggs to be used

for hatching and appropriately labeled as such are exempt from the candling provisions of this Act and need not carry a candling certificate. Cases carrying hatching eggs should be clearly and plainly labeled as such. However, any person who sell eggs through a regularly established retail outlet shall be termed a retailer and shall come within the ruling of this Act.

§ 14. REPEAL OF PRIOR LAWS, SAVING OF CERTAIN RIGHTS THEREUNDER.) Chapter 19-07 of the North Dakota Revised Code of 1943 is hereby repealed to take effect on the date that this Act goes into force, subject to the following limitations and provisions:

1. The commission provided for in this Act shall succeed to all files, papers and property relating to the administration of the law hereby repealed and may dispose of or use such files, papers and property as it deems necessary for the efficient administration of the Act.
2. Any legislative appropriation heretofore or hereinafter made available for the administration of the laws as herein repealed, upon the taking effect of this Act, to the extent that such appropriation is unexpended shall be made available for the administration of this Act, under the direction and control of the commission provided for by this Act.

§ 15. All license fees collected under the provisions of this Act shall be covered into the state treasury and no moneys shall be expended in excess of the funds so collected.

Vetoed March 21, 1953.

S. B. No. 269
(Stucke, Streibel, Dewing, Day, Page, Haag,
(Pyle, Kusler, Fraser, Olson and Ferry)

TRANSFER OF DUTIES OF BOARD OF ADMINISTRATION
TO BOARD OF CONTROL

AN ACT

Transferring the duties of the board of administration to the board of control, authorizing the employment of a director and repealing sections 54-2102 and 54-2104 of the North Dakota Revised Code of 1943.

VETO

March 20, 1953

Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill 269, a bill transferring the duties of the board of administration to a board of control, authorizing the employment of a director and repealing sections 54-2102 and 54-2104 of the North Dakota Revised Code of 1943.

One question involved is whether Senate Bill 269 was legally passed. I have requested and have received an opinion from the attorney general which states that a vote of two-thirds of both houses of the legislature is necessary to enact this bill into law. Because it received only a majority vote, it was not legally passed according to his opinion.

I therefore veto this bill.

Respectfully submitted,
NORMAN BRUNSDALE
GOVERNOR.

NB-IN

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

§ 1.) There is hereby created the board of control which shall consist of three members appointed by the governor and removable by the governor without cause. The members of the board shall receive such per diem compensation as may be provided from time to time by appropriation and shall have

all the duties and responsibilities previously vested in the board of administration and shall have power to employ an executive director to serve at the will of the board at such salary as may be fixed by the board. No member of the board of administration shall be appointed to the board of control.

§ 2. REPEAL.) Section 54-2102 of the North Dakota revised Code of 1943 is hereby repealed.

§ 3. REPEAL.) Section 54-2104 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Vetoed March 20, 1953.

RESOLUTIONS

SENATE CONCURRENT RESOLUTION "G" (Committee on Judiciary)

TREATMENTS FOR ALCOHOLISM AND MENTAL MALADJUSTMENTS AT PENAL AND CORRECTIONAL INSTITUTIONS

A concurrent resolution requesting the board of administration to take such action as may be necessary to provide treatments for alcoholism and mental maladjustments, which modern scientific developments have made available, at penal and correction institutions.

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

WHEREAS, it appears that a substantial majority of the persons confined in, and those currently being sentenced to the state penitentiary and state prison farm became violators of the laws by reason of their addiction to intoxicating liquor and their inability to control such addiction, and

WHEREAS, it further appears that recent medical and scientific developments have provided methods of treatment resulting in the rehabilitation of approximately 75% of the alcoholics treated, and partial success in all but a few cases, and

WHEREAS, it further appears that at the present time the said penal and correction institutions of the state have no program or facilities for such treatments or rehabilitation, and do not include the same in the medical attention provided for prisoners and that the same is true with respect to the availability of psychiatric treatment of those whose mental maladjustments do not constitute insanity and that, as a result of the lack of such care and facilities the rehabilitation of the inmates of such institution is greatly limited and retarded,

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That those having charge and control of said institutions, including the state training school, be urged to make the necessary arrangements and to take the required steps to provide for the inmates of such penal and correctional institutions, those treatments for alcoholism and for mental maladjustments

which modern scientific developments have made available, and the usefulness and success of which has been demonstrated, to the end that the lasting reform and rehabilitation of said inmates may be facilitated and their restoration to society as useful and law-abiding members thereof be accomplished.

Filed March 7, 1953.

HOUSE CONCURRENT RESOLUTION "Z"
(Thompson, Maher, Gumeringer, and Hammer)

SUPPORT OF PRICES OF BASIC FARM CROPS AT
ONE HUNDRED PERCENT PARITY

A concurrent resolution petitioning the congress of the United States to enact legislation supporting the prices of basic farm crops at one hundred percent parity.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the maintenance of a strong and healthy agricultural economy is of the utmost importance to the citizens of this state and of the United States; and

WHEREAS, such an economy is impossible to maintain whenever basic farm crop prices fall below one hundred per cent parity with the prices for other commodities and services, and

WHEREAS, to maintain the prices of basic farm crops at one hundred percent parity it is necessary that the federal government undertake and continue a program of legislation providing for the making of commodity loans in such amounts as will assure the support of basic farm crop prices at not less than one hundred percent parity.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the congress of the United States is hereby memorialized and respectfully petitioned to enact proper legislation to provide for commodity loans to maintain and support the prices of basic farm crops at not less than one hundred percent parity;

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be sent by the secretary of state to the

presiding officers of each of the houses of the congress of the United States, to the secretary of agriculture of the United States, and to each of the members of the North Dakota congressional delegation.

Filed March 6, 1953.

SENATE CONCURRENT RESOLUTION "O"
(Davis and Troxel)

FEDERAL LEGISLATION PROHIBITING THE PURCHASE OF
BUTTER SUBSTITUTES BY OUR ARMED FORCES

A resolution to memorialize the congress of the United States to enact suitable legislation to prevent the purchase of butter substitutes by our armed forces.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the armed forces of the United States recently purchased 960,000 pounds of butter substitutes for consumption in domestic military establishments, and

WHEREAS, the United States government, under the commodity credit support program, has purchased for storage over fifty-one million pounds of surplus butter since November, 1952, and

WHEREAS, it would be a sound business practice for the armed forces of the United States to purchase and use the surplus butter now being stored,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the congress of the United States is hereby memorialized to enact suitable legislation prohibiting the purchase of butter substitutes by our armed forces.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the secretary of the senate to President Dwight D. Eisenhower, Senators Milton Young and William Langer and Representatives Usher Burdick and Otto Krueger.

Filed March 2, 1953.

SENATE RESOLUTION No. 6
(Senate State and Federal Government Committee)

**USE OF RENTAL EQUIPMENT IN THE CONSTRUCTION OF
COUNTY FARM-TO-MARKET FEDERAL AID ROADS**

A resolution requesting the public roads administration to revise its rules and regulations to permit counties to use rental equipment, either wholly or to supplement county equipment, in the construction of county farm-to-market federal aid roads.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the present rule of the public roads administration, relative to road equipment used for construction of county farm-to-market federal aid roads, requires that where federal aid funds are applied such construction work be done by contract or by county-owned forces as far as possible, and

WHEREAS, this method of operation creates a hardship by making the cost of construction so great that the smaller counties cannot avail themselves of the federal aid moneys allotted to them;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the public roads administration be requested to revise its rules and regulations to permit any county through its board of county commissioners to call for equipment rental bids from licensed contractors and that the use of equipment on a rental basis, either wholly or to supplement county equipment, be permitted for the purpose of constructing county farm-to-market federal aid roads.

Filed February 10, 1953.

HOUSE CONCURRENT RESOLUTION 'E'
(Brown and Larson of Burleigh)

CRUSADE FOR FREEDOM CAMPAIGN

A concurrent resolution commending county, state and national groups of the crusade for freedom campaign.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the spread of communism constitutes one of the greatest threats to all free peoples throughout the world today, and

WHEREAS, the American people have, and will continue, to fight the spread of communism by every available means including the voice of Radio Free Europe and other methods used and supported by the crusade for freedom,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That this legislature extend its thanks and support to the county, state, and national organizations of the crusade for freedom campaign for their untiring work in combating communism wherever it can be found.

BE IT FURTHER RESOLVED, that the legislature commend all persons and groups who are giving of their time and financial support towards the successful completion of this campaign.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the national and state organizations of the crusade for freedom movement by the secretary of state.

Filed January 30, 1953.

SENATE CONCURRENT RESOLUTION "N"
(Rue)

URGING APPOINTMENT OF HONORABLE ELMER W. CART
AS A MEMBER OF INTERSTATE COMMERCE COMMISSION

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, it appearing that there are two appointments to be made by the President of the United States to the interstate commerce commission, and

WHEREAS, it appearing that the Honorable Elmer W. Cart, president of the North Dakota public service commission, is being considered for such appointment, and

WHEREAS, the said Elmer W. Cart is a North Dakota farm owner, and is a past member of the North Dakota house of representatives; whereas, he has had over ten years' experience as a public service commissioner of this state over four years of experience as a practitioner before the interstate commerce commission in matters involving rates and services

of transportation agencies; whereas, he is a member of the association of interstate commerce commission practitioners, a member of the executive committee of the national association of railroad and utilities commissioners and president of the midwest conference of railroad and utilities commssioners, he is deemed eminently qualified for appointment to the interstate commerce commission.

THEREFORE, be it resolved by the senate of this Thirty-third Legislative Assembly, the house of representatives concurring therein, that the President of the United States is hereby respectfully memorialized and urged to appoint Honorable Elmer W. Cart as a member of the interstate commerce commission, and that the senate confirm said appointment when and if made.

BE IT FURTHER RESOLVED, that the senators and representatives of the state of North Dakota in the congress of the United States be requested to put forth every honorable effort to secure said appointment and confirmation, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded forthwith by the secretary of state to the President of the United States, the president of the senate, the chairman of the senate committee on interstate and foreign commerce, to the senators and representatives in congress from the state of North Dakota, and the chairman of the republican national committee.

Filed March 2, 1953.

HOUSE CONCURRENT RESOLUTION No. "L-1"
(Hofstrand and Beede)

LOANS ON FARM MORTGAGES GUARANTEED
BY THE FEDERAL GOVERNMENT

A concurrent resolution directing the state land commissioner and the board of university and school lands to make loans on farm mortgages when such loans are guaranteed by the federal government.

WHEREAS, in the primary election of June, 1952, a constitutional amendment was passed enabling the state land commissioner and the board of university and school lands to invest the funds under the control of the board of university and school lands in farm mortgages when such loans are one

hundred per cent guaranteed by the United States government, and

WHEREAS, such investments would be of benefit to the common schools through the higher rate of interest available on such investments and, since such loans would be fully guaranteed, there could be no losses upon funds so invested, and

WHEREAS, such investments would be of benefit to the farmers of the state of North Dakota through helping to alleviate the present shortage of farm credits,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that the board of university and school lands and the state land commissioner are hereby directed to make loans and investments in farm mortgages, where guaranteed one hundred per cent by the federal government, to the fullest extent possible from any funds now available or to become available in the future.

Filed March 9, 1953.

SENATE RESOLUTION No. "10"
(Sandness, Sauer, Wadson, Krenz and Livingston)

STABILIZATION OF FARM PRICES

A resolution memorializing the secretary of agriculture to take steps to stabilize farm prices.

WHEREAS, the economic welfare of all the people of the state of North Dakota is entirely dependent on a prosperous agricultural economy, and

WHEREAS, after a dozen years of abundant production of farm crops thru favorable weather conditions there is evidence of a natural decline in that production cycle, and

WHEREAS, this decline, together with falling agricultural prices, and an increased cost of operation has already resulted in an increase in farm and chattel mortgages, and a general tightening of credits, thus bringing about a decrease in the buying power of our people, and

WHEREAS, the support price and the cash price of grain is far below the 1910 to 1914 parity price; for example, such per bushel parity price on wheat is \$2.44, on oats \$1.10, on barley

\$1.71, and on flax \$4.66, while cash prices on these products today in Bismarck are as follows: wheat, \$2.08, oats \$0.56, barley \$0.91, and flax \$3.52, and

WHEREAS, importation of farm commodities exceeds exportation by over a billion dollars and the continued dumping of the commodity credit corporation stocks would further depress the market, and

WHEREAS, we are unalterably opposed to going back to a program of subsidy payments and government control of agricultural operations in lieu of fair market prices or a sound price support program, and

WHEREAS, we recognize that "parity" is a price determined by the government to be fair to producer and consumer alike and present price supports are necessary to provide a fair price for farm products;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that we urge the secretary of agriculture to take immediate steps to halt the ruinous drop in farm prices, and that a program designed to stabilize all farm commodity prices at full parity be put into effect at the earliest possible moment.

BE IT FURTHER RESOLVED, that the secretary of agriculture let it be known in unmistakable terms that this administration is not going to let the farmers be pushed to the edge of disaster before coming vigorously to their aid.

BE IT FURTHER RESOLVED, that the government of the United States take action immediately under section 22 of the Agricultural Act to curtail heavy imports of agricultural commodities of which we have abundant supplies and which imports are seriously effecting the operation of our price support program.

BE IT FURTHER RESOLVED, that the secretary of agriculture desist dumping of commodity credit corporation stocks on our markets when prices are below established support levels.

BE IT FURTHER RESOLVED, that the renewal of the international wheat agreement is necessary in order to continue adequate foreign exports.

BE IT FURTHER RESOLVED, that we commend and support Senator Milton Young for his untiring efforts to obtain economic equality for agriculture, and that we endorse his stand on international trade agreements, farm price supports, and fair import and export programs.

Filed February 23, 1953.

HOUSE CONCURRENT RESOLUTION "X"
(Maher, Beede, Erickson of Bottineau,
(Erickson of Burke-Divide and Haugen)

LARGER ALLOTMENT OF FUNDS FOR FHA
FARM OWNERSHIP LOANS

A concurrent resolution memorializing the congress of the United States to increase the appropriation under Public Law No. 731, so as to provide and secure a larger allotment of funds for FHA direct farm ownership loans in North Dakota.

WHEREAS, all of the money allotted to North Dakota, out of funds appropriated by Congress under Public Law No. 731, to be used by the farm home administration in the fiscal year ending June 30, 1953 in making direct farm ownership loans in North Dakota was used up or committed by the end of October, 1952; and,

WHEREAS, it is estimated that there are several hundred young farmers, including a large number of former service men, who desire to purchase farms under the 40-year amortized plan of FHA direct farm ownership loans, but can not make such loans because the funds for this purpose allotted to North Dakota are insufficient; and,

WHEREAS, these young farmers who desire these direct farm ownership loans are unable to obtain private credit and do not have the funds or possess the equity necessary to obtain so-called FHA insured loans; and,

WHEREAS, many of these young farmers, unable to purchase farms of their own, are being forced to leave the state or to move to cities to seek employment there;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Congress of the United States is hereby memorialized, petitioned and urged to increase the appropriation under Public Law No. 731 for farm home administration direct farm ownership loans and to take other necessary action, so as to provide and secure an increased allotment of funds from such appropriation for direct farm ownership loans in North Dakota.

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be sent by the secretary of state to the president of the United States senate, to the speaker of the United States house of representatives, to each member of the North Dakota congressional delegation, and to the United

States secretary of agriculture and to the chairman of the subcommittee on agriculture appropriations of the United States house of representatives and to the chairman of the subcommittee on agriculture appropriations of the United States senate.

Filed March 6, 1953.

SENATE CONCURRENT RESOLUTION "M"
(O'Brien and Geelan)

FEDERAL HIGHWAY MATCHING FUNDS

A concurrent resolution relating to federal highway matching funds.

WHEREAS, The present highway program calls for a matching appropriation of not less than eight million dollars, and

WHEREAS, the funds that are available to North Dakota under the federal highway matching program rightfully belong to the people of North Dakota and should be made available without the necessity of matching requirements,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that congress be requested to enact the necessary legislation that would effect the immediate availability of all federally collected highway matching money without the necessity of any matching appropriations by this state, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to each of North Dakota's United States senators and representatives, and

BE IT FURTHER RESOLVED that copies of this resolution be sent by wire, by the secretary of the senate to each of the state legislative assemblies.

Filed March 9, 1953.

HOUSE CONCURRENT RESOLUTION "T"
(Anderson of Cass and Engen)

INVESTIGATIONS OF FEDERAL INCOME TAX RETURNS

A concurrent resolution memorializing congress to pass legislation requiring investigations of federal income tax returns to be conducted within two years from the time such returns must be filed.

WHEREAS, it has been the practice of the collector of internal revenue, now the director of internal revenue, and of the

treasury department of the United States to investigate federal income tax returns several years after the same have been filed; and

WHEREAS, such delay is not necessary and is not efficient conduct of government business; and

WHEREAS, the records of the taxpayer is (are) more apt to be lost or destroyed during such delay and is unfair to the taxpayer;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That congress is hereby petitioned to enact federal legislation which would require investigations of federal income tax returns to be conducted within two years after the time such returns were required to be filed.

BE IT FURTHER RESOLVED, that a duly attested copy of this concurrent resolution be sent by the secretary of state to the secretary of the senate of the United States, the clerk of the house of representatives of the United States, to the senators and representatives in congress from the state of North Dakota, to the director of internal revenue at Washington, D. C., and to the director of internal revenue for the state of North Dakota, at Fargo, North Dakota.

Filed March 7, 1953.

HOUSE CONCURRENT RESOLUTION "P"
(Wolf of McIntosh-Logan, Haugen, Brown, Leet)

ELIMINATION OF ALL FEDERAL MOTOR FUEL TAXES AND
TERMINATION OF MATCHING OF FEDERAL FUNDS
FOR HIGHWAY PURPOSES

A concurrent resolution memorializing congress to eliminate all motor vehicle fuel tax, leaving such field of taxation exclusively for the state, and bringing to an end the matching of federal funds for highway purposes.

WHEREAS, the federal government has for some years last past taxed motor fuel on the theory that the moneys so raised would be used to match state funds for highway construction, reconstruction and development in the several states; and,

WHEREAS, the several states have taxed motor vehicle fuel for the same purpose, the federal government however requir-

ing that all moneys raised thereby in the state should be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways and payment for the obligations incurred in the construction, reconstruction, repair and maintenance of public highways, and

WHEREAS, approximately two-thirds of the moneys raised by the federal government in the taxation of motor vehicle fuel has been diverted for other than highway purposes, and

WHEREAS, the combined federal and state tax on motor vehicle fuels has reached the point where such fuels cannot stand any more tax burden; and

WHEREAS, the repeal of all federal motor vehicle taxes would permit and justify the state in increasing the motor vehicle fuel tax in the amount thus eliminated in federal taxation, leaving them in a position to spend all motor fuel taxes for the purpose of construction, reconstruction, repair and maintenance of public highways,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the thirty-third legislative assembly of the state of North Dakota goes on record as favoring the elimination of all federal motor vehicle fuel taxes.

BE IT FURTHER RESOLVED that a duly attested copy of this concurrent resolution be sent by the secretary of state to the secretary of the senate of the United States, the clerk of the house of representatives of the United States, to the senators and representatives in congress from the state of North Dakota, to the United States commissioner of public roads, and to the secretary of the senate, and to the clerk of the house of representatives of all other states where the legislative assembly is now in session.

Filed March 3, 1953.

SENATE CONCURRENT RESOLUTION "D"
(Livingston, Sandness, Olson, Krenz and Welander)

LIMITATION OF UNDESIRABLE INFLUX OF FOREIGN
AGRICULTURAL PRODUCTS

A concurrent resolution to memorialize congress and the secretary of agriculture of the United States to limit influx of foreign agricultural products.

WHEREAS, farm income in the United States has declined considerably the past two years due to drouth and other causes, and

WHEREAS, large quantities of foreign agricultural products have been allowed by the United States department of agriculture to move into domestic markets, thereby contributing to the general depression of farm prices, and in the case of grain, depressing prices to less than support price.

Now, THEREFORE, be it resolved by the senate, the house of representatives concurring therein, that we do hereby memorialize and petition congress and the secretary of agriculture to take such action as will be effective to prevent undesirable influx of those foreign agricultural products which are produced in surplus in the United States.

BE IT FURTHER RESOLVED, that copies of this resolution properly authenticated, be transmitted by the secretary of state to the presiding officer of each house of congress, to the secretary of Agriculture of the United States, and to the members of the North Dakota delegation in congress.

Filed March 4, 1953.

HOUSE CONCURRENT RESOLUTION "N"
(The Education Committee)

ESTABLISHMENT OF A FEDERALLY OPERATED HIGH SCHOOL
ON THE FORT BERTHOLD RESERVATION

A concurrent resolution providing that the congress of the United States and the commissioner of Indian affairs be requested to reconsider the advisability of establishing a federally operated high school within the exterior boundaries of Fort Berthold Reservation.

WHEREAS, the education of Indian children is an acknowledged federal responsibility; and

WHEREAS, the construction of Garrison Dam in the state of North Dakota is destroying the educational facilities of the bureau of Indian affairs at the Fort Berthold agency and particularly the high school; and

WHEREAS, the commissioner of Indian affairs has stated that the policy of the bureau of Indian affairs is not to reconstruct building and facilities for the high school education of such Indian children but is to utilize the high schools now operated by the political sub-divisions of the state of North Dakota on the fringe area of said reservation; and

WHEREAS, the people of the state of North Dakota firmly believe that in order to integrate the Indian people into the citizenry of this state the use of non-segregated public school facilities should be encouraged; and

WHEREAS, many of the Indian people on the Fort Berthold reservation are not now desirous of having their children attend non-segregated public schools because of the fear of discrimination; and

WHEREAS, it is desirable that all Indian people be given an equal opportunity for education whether in a public school system or in a federally operated school system;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the congress of the United States and the commissioner of Indian affairs be respectfully and earnestly memorialized to reconsider the advisability of establishing at least one federally operated high school within the exterior boundaries of said reservation, provided that such plans include adequate provisions encouraging the high schools of the state of North Dakota to accept the Indian children from said reservation by the federal government making arrangements for the per capita costs of educating such Indian children in such public high schools and by further providing boarding home care for those members of the three affiliated tribes who choose to attend such public high schools; and that copies of this resolution be delivered to the secretary of interior, the commissioner of Indian affairs, the director of the federal bureau of education, and the members of the congressional delegation from North Dakota.

Filed February 20, 1953.

HOUSE RESOLUTION No. 9

(Snortland, Rolfsrud, Erickson of Burke-Divide and Beede)

INVESTIGATION OF THE PRACTICE OF PLACING GRAIN
IN SO-CALLED MILL STORAGE

A resolution appointing three members of the house of representatives for the purpose of investigating the practice of placing grain in so-called mill storage.

WHEREAS, it has come to the attention of this house that certain elevators engage in the practice of accepting grain, for storage, and that part of said stored grain finds its way into so-

called mill storage where it is milled and placed upon the market without the authorization of the farmer placing such grain in storage; and

WHEREAS, such practices, if widespread, could result in a very serious depressing effect upon the market price of grains.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the speaker appoint a committee of three of the members of this house for the purpose of investigating the frequency and the circumstances under which such stored grains, are placed in storage, and later by reason of being transferred into so-called mill storage and milled are placed upon the market while still ostensibly stored grains; and for the purpose of determining the result of such practices if found to exist;

BE IT FURTHER RESOLVED, that the committee so appointed report back to the house at the next legislative assembly of the state of North Dakota, with its findings and recommendations; and

BE IT FURTHER RESOLVED, that the committee shall have and is hereby authorized and delegated, the power and authority of this house, including the power to subpoena witnesses, for the purpose of holding hearings and otherwise conducting the investigation herein authorized and directed.

BE IT FURTHER RESOLVED, that the committee so appointed shall conduct said investigation without expense to this house.

Filed March 7, 1953.

HOUSE RESOLUTION No. 11
(Holand and Beede)

EMPLOYMENT OF A FULL-TIME ATTORNEY FOR THE
STATE HIGHWAY DEPARTMENT

A resolution directing the attorney general to employ a full-time attorney for the state highway department.

WHEREAS, the North Dakota state highway department is by far the largest single enterprise conducted by the state of North Dakota and is currently spending approximately twenty million dollars per year, and

WHEREAS, the state highway department in its various construction and right-of-way acquisition transactions has great need for a permanent full-time attorney assigned to that department, and with the passage of legislation at this legislative assembly, including the necessity of reconveying mineral rights under highway right-of-ways, the need will be even greater, and

WHEREAS, the field of highway law is a most specialized field of law which requires the full effort and talents of an attorney over a long period of time in order to be of maximum assistance to the state highway department,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that the attorney general is hereby directed to secure and assign a permanent, full-time assistant attorney general to the state highway department to act as the highway department counsel in all matters relating to that department.

Filed March 9, 1953.

HOUSE CONCURRENT RESOLUTION "A"
(Nygaard and Link)

COMMENDING FOUNDATION FOR INFANTILE PARALYSIS
AND THE MARCH OF DIMES CAMPAIGN

A concurrent resolution commending county, state and national organizations of the foundation for infantile paralysis and the march of dimes campaign.

WHEREAS, the disease of infantile paralysis is one of the most costly of all diseases to treat because of the expensive equipment, the highly skilled techniques involved and the months or even years of treatment required, and

WHEREAS, many families are overwhelmed when this tragedy strikes and must depend on the assistance of the county, state, and national chapters of the foundation for infantile paralysis in treating those afflicted with this disease,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the legislature commend the county, state, and national chapters of the foundation for infantile paralysis for the

generous assistance it has given to citizens of this state who are afflicted with this disease, and for the research carried on for the purpose of preventing the spread of this malady.

BE IT FURTHER RESOLVED, that the legislature commend all persons and individuals who are giving of their time and money to the current fund raising campaign commonly called the march of dimes, which will further the work of these organizations.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the national foundation for infantile paralysis and to its state director and county chairmen.

Filed January 20, 1953.

HOUSE CONCURRENT RESOLUTION No. 0-1
(Solberg and Dunlop of Rolette)

APPROPRIATION FOR COMPLETION OF THE
INTERNATIONAL PEACE GARDEN

A concurrent resolution memorializing the congress of the United States to enact H. R. 3986 authorizing an appropriation for the completion of the International Peace Garden.

Be It Resolved By The House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, there has been established and is being maintained on the international boundary line between the United States of America and the Dominion of Canada, a park situated partly in North Dakota and partly in the Province of Manitoba and known as the International Peace Garden, which park has been established and is being maintained as a constant memorial to the peaceful relations between the United States of America and the Dominion of Canada and for the purpose of furthering international peace among the nations of the world, and

WHEREAS, the government of Canada is making substantial grants for the development of their section of the International Peace Garden, and

WHEREAS, H. R. 3986 introduced in the 83rd Congress of the United States and referred to the committee on public lands would authorize an appropriation for the purpose of completing the International Peace Garden in accordance with plans previously approved,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that the Congress of the United States be memorialized to give immediate and favorable consideration to H. R. 3986, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the secretary of state to the North Dakota delegation in Congress.

Filed March 10, 1953.

HOUSE CONCURRENT RESOLUTION "F"
(Link, Breum and Schmidt)

RENEWAL OF INTERNATIONAL WHEAT AGREEMENT

A concurrent resolution memorializing the President of the United States and the senate of the 83rd congress of the United States to renew the international wheat agreement.

WHEREAS, in operation and objectives the international wheat agreement has exceeded expectations in helping to stabilize the world wheat market and world wheat prices, and has contributed immeasurably to a better international understanding and cooperation; and

WHEREAS, said international wheat agreement has proved to be an effective bulwark against communism in those lands in which it has been used to provide wheat for hungry people; and

WHEREAS, to permit the international wheat agreement to expire would be to critically reduce this nation's export market, which under the export allotment of this agreement has annually exceeded 250-million bushels of wheat; and would dangerously depress wheat prices; and necessitate drastic acreage restrictions on wheat producers; and

WHEREAS, termination of the agreement would deprive hungry people throughout the world of desperately needed food, and would provide communism with additional propaganda material; and

WHEREAS, the experience has demonstrated that food is of critical importance in aiding the extension and strengthening of democracy and the furtherance of peace and understanding throughout the world; and is equally important in combating the advancement of communism; and

WHEREAS, the cost of maintaining the international wheat agreement is but a small part of the cost of combating communism in comparison with the necessary cost of maintaining our military forces.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That it is the sense of this assembly that the international wheat agreement should be renewed on terms that are fair, just and workable for all participating nations; and that this assembly does hereby memorialize and petition the President of the United States and the senate of the 83rd congress of the United States to take the lead, and in a sincere spirit of international cooperation and good faith, to resume immediately negotiations with participating nations to the end that the international wheat agreement be renewed and extended for a period of four more years;

BE IT FURTHER RESOLVED, that copies of this resolution be properly authenticated by the secretary of state of the state of North Dakota, and sent to the President, the secretary of state, the secretary of agriculture, the vice president, as presiding officer of the senate, and to each member of the senate, of the United States.

Filed February 10, 1953.

SENATE CONCURRENT RESOLUTION "A"
(Legislative Research Committee)

INTERSTATE OIL COMPACT COMMISSION

A concurrent resolution authorizing the governor to make the State of North Dakota a party to the interstate oil compact commission.

BE IT RESOLVED by the senate of the state of North Dakota, the house of representatives concurring therein, that the governor of the state of North Dakota is hereby authorized and directed, for and in the name of the state of North Dakota, to join with other states in the interstate compact to conserve oil and gas, which was heretofore executed in the city of Dallas, Texas, on the sixteenth day of February, 1935, and is now deposited with the department of state of the United States, and which has been extended with the consent of congress to September 1, 1947.

BE IT FURTHER RESOLVED that the governor of North Dakota is further authorized and empowered, for and in the name of the state of North Dakota, to execute agreements for the further extension of the expiration date of the said interstate oil compact to conserve oil and gas, and to determine if and when it shall be for the best interest of the state of North Dakota to withdraw from said compact upon sixty days' notice as provided by its terms. In the event he shall determine that the state should withdraw from said compact he shall have full power and authority to give necessary notice and to take any and all steps necessary and proper to effect the withdrawal of the state of North Dakota from said compact.

BE IT FURTHER RESOLVED that the governor shall be the official representative of the state of North Dakota on the interstate oil compact commission, provided for in the compact to conserve oil and gas, and shall exercise and perform for the state of North Dakota all the powers and duties as a member of the interstate oil compact commission; provided that he shall have the authority to appoint an assistant representative who shall act in his stead as the official representative of the state of North Dakota as a member of said commission.

Filed February 27, 1953.

SENATE CONCURRENT RESOLUTION "K"
(Schrock)

INTRASTATE RAIL SERVICE ABANDONMENT
(U.S. S.B. 281)

A resolution protesting passage of U. S. Senate Bill 281.

WHEREAS, S.B. 281 of the 83rd congress introduced January 9, 1953, appears to discriminate against the best interests of the people of North Dakota, and

WHEREAS, the North Dakota public service commission has previously opposed similar legislation, and

WHEREAS, the governor of the state of North Dakota is also opposed to such legislation,

NOW, THEREFORE, BE IT RESOLVED that the senate of the state of North Dakota, the house of representatives concurring therein, do hereby protest the passage of U. S. Senate Bill 281 and request the secretary of the senate to send a copy of this resolution to the members of the senate and house in Washington, D. C.

Filed February 27, 1953.

HOUSE CONCURRENT RESOLUTION No. P-1
(Hegge and Fitch)

**COMMENDATION FOR JACK WILLIAMS, STATE ADJUTANT
OF THE AMERICAN LEGION**

A resolution of commendation for Jack Williams, State Adjutant of the American Legion.

WHEREAS, Jack Williams is now serving in his thirty-fifth year as state adjutant of the American Legion for North Dakota and is the only adjutant in the United States who has served continuously in such office since the founding of the American Legion, and

WHEREAS, the state of North Dakota is duly appreciative of the services of the American Legion to the state of North Dakota and the people of the United States in the defense of this country and the promotion of the welfare of its people,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That congratulations are extended to Jack Williams for thirty-five years of service as state adjutant of the North Dakota American Legion; and that the legislature of the state of North Dakota hereby express its gratitude and appreciation of his many years of service in a great American cause, and that copies of this resolution be forwarded by the chief clerk of the house of representatives to Jack Williams and the North Dakota department of the American Legion.

Filed March 9, 1953.

SENATE RESOLUTION No. 2
(Baeverstad)

SENATE CHAPLAIN SERVICE

A resolution relating to chaplain service.

Be It Resolved by the Senate of the Thirty-third Legislative Assembly of the State of North Dakota:

The schedule of chaplaincy for the senate of the thirty-third legislative assembly as set forth in the journal of the senate on pages 15 and 16 is agreed to and the employment of chaplains

in accordance with such schedule at six dollars per diem, to be paid as legislative expense, is hereby authorized.

Filed January 28, 1953.

SENATE RESOLUTION No. 13
(Day)

SUBPOENA POWERS TO THE JUDICIARY COMMITTEE

A resolution giving the judiciary committee subpoena powers.

WHEREAS, the judiciary committee has been given the responsibility of investigating rumors of salary rebates in state departments, and

WHEREAS, in order to get all facts available it is necessary to subpoena witnesses and records,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA,

That the judiciary committee be and is hereby empowered to issue subpoenas to witnesses requiring appearance before the judiciary committee for testimony under oath, and

BE IT FURTHER RESOLVED, that the judiciary committee have power to subpoena books and records and require the same to be delivered for examination subject to the order of the judiciary committee.

Filed March 3, 1953.

HOUSE RESOLUTION No. 1
(Leet)

LAWS FOR THE USE OF HOUSE COMMITTEES

A resolution providing copies of the 1949 supplement to the North Dakota Revised Code of 1943 and of the 1951 session laws for the use of the various committees of the house of representatives.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, in the various committee meetings it is often necessary to refer to the code and for that reason a code should be available for such use;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That the secretary of state be authorized and directed to furnish five copies of the 1949 supplement to the North Dakota Revised Code of 1943 and twenty copies of the 1951 session laws to be distributed to the various committee rooms of the house of representatives, each volume to be stamped or labeled "Property of the state of North Dakota," and under the custody of the various committee chairmen using the same, whose duty it shall be, at the close of the session, to deliver them to the secretary of state to be kept by him for the use of succeeding sessions of the legislature, and that a copy of this resolution duly certified by the chief clerk of the house be delivered to the secretary of state as his authority for furnishing same.

Filed January 14, 1953.

SENATE RESOLUTION No. 1
(Sandness)

1951 SESSION LAWS FOR SENATE COMMITTEE USE

A resolution providing copies of the 1951 session laws for the use of the various committees of the senate.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, in the various committee meetings it is often necessary to refer to the 1951 session laws of North Dakota and for that reason copies should be available for such use;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That the secretary of state be authorized and directed to furnish twelve copies of the 1951 session laws to be distributed to the various committee rooms of the senate, each volume to be stamped or labeled "Property of the State of North Dakota," and under the custody of the various committee chairmen using the same, whose duty it shall be, at the close of the session, to deliver them to the secretary of state to be kept by him for the use of succeeding sessions of the legislature, and that a copy of this resolution duly certified by the secretary of the senate be delivered to the secretary of state as his authority for furnishing same.

Filed February 13, 1953.

HOUSE CONCURRENT RESOLUTION No. M-1
(Haugen, Holand and Langseth)

ADDITIONAL COMMITTEE ROOMS FOR LEGISLATIVE USE

A concurrent resolution directing that additional committee rooms be made available for the use of the thirty-fourth legislative assembly.

WHEREAS, the thirty-third legislative assembly has been greatly inconvenienced by the lack of committee room space in the state capitol, and

WHEREAS, inadequate facilities for legislative committee work have resulted in difficulty in scheduling committee hearings, delays in committee action and general discomfort, and

WHEREAS, certain state departments and agencies are now occupying space originally intended for use as legislative committee rooms,

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, or any administrative agency succeeding to the duties of the board of administration, prepare and make available additional committee rooms on the ground floor of the state capitol for the use of the thirty-fourth legislative assembly.

Filed March 9, 1953.

SENATE CONCURRENT RESOLUTION "B"
(Work, Dewing and Troxel)

MEMORIAL HALL FOR LEGISLATIVE EMPLOYEES' DANCES

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the employees of the senate and house of representatives of the 33rd legislative session wish to hold dances and a mock session in the memorial hall and house chambers located in the state capitol, and

WHEREAS, under the ruling of the board of administration, a concurrent resolution must be passed in order to obtain the use of said memorial hall and house chambers;

NOW, THEREFORE, BE IT RESOLVED, by the senate of North Dakota, the house of representatives concurring therein, that the board of administration is hereby requested to give permission to the employees of the senate and the house of representatives for the use of said state owned property, furnishing proper police to maintain proper order and decorum; and

BE IT FURTHER RESOLVED, that the secretary of the senate be requested to send one copy of this resolution to the secretary of the board of administration of the state of North Dakota.

Filed February 14, 1953.

HOUSE CONCURRENT RESOLUTION "D"
(Employment Committee)

DESIGNATION AND SALARIES OF LEGISLATIVE EMPLOYEES

A concurrent resolution providing and designating house and senate employees and naming and fixing their salaries:

Be It Resolved by the House of Representatives of the Thirty-third Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:

That for and during this thirty-third legislative assembly the following named persons be employed and appointed as officers and employees of the house and of the senate and shall be paid the compensation set opposite their respective names:

HOUSE

V. L. Gilbreath, chief clerk.....	\$ 15.00
Charles Swenson, assistant chief clerk.....	12.00
Ruth Smith, desk reporter.....	17.00
Emory Cote, bill clerk.....	11.00
Hans P. Johnson, sergeant-at-arms.....	9.00
Ingval Isakson, asst. sergeant-at-arms.....	8.00
Henry Lundene, bill room clerk.....	8.00
Lloyd Iverson, bill room clerk.....	8.00
Lester Vanvig, calendar clerk.....	11.00
Cora Jean Kleppe, enrolling clerk.....	10.00
Charles L. Bryan, enrolling clerk.....	10.00
Eleanor Vendt, stenographer.....	11.00
Helen Moen, stenographer.....	11.00
Eloyse Walcher, stenographer.....	11.00
Corliss Mushik, stenographer.....	11.00
Florence Nemer, speaker's secretary.....	11.00

Marie Tunell, appropriations' stenographer.....	11.00
Helen Thompson, page.....	8.00
Robert Simonson, page.....	8.00
Rudy Reinpold, page.....	8.00
Lowell Knopfle, page.....	8.00
John Heil, mailing room clerk.....	8.00
Calvin Schimke, mailing room clerk.....	8.00
Nellie Olson, postmistress.....	9.00
Ervin Mattson, messenger to the governor.....	8.00
Mrs. R. D. Corwin, proofreader.....	9.00
Porter Nelson, proofreader.....	9.00
John Sailer, mailing room clerk.....	8.00
Jacob Huber, mailing room clerk.....	8.00
Paul Perschke, doorkeeper.....	8.00
Margaret Sell, stenographer.....	11.00
Lawrence Brannon, committee clerk.....	9.00
Dorothy Mushik, committee clerk.....	9.00
Mrs. Rita Linnertz, telephone clerk.....	8.00
Charles Ufer, mailing room clerk.....	8.00
Christ Denning, mailing room clerk.....	8.00
Frank Connolly, doorkeeper.....	8.00
Echo Hamilton, committee clerk.....	9.00
Eva Haggard, mailing room clerk.....	8.00
Carter Pendergast, Jr., mailing room clerk.....	8.00
Nels Quale, doorkeeper.....	8.00
Ole B. Stray, mailing room clerk.....	8.00
Chris D. Decker, cloak room attendant.....	8.00
Ben Lauinger, mailing room clerk.....	8.00
Enola Eck, mailing room clerk.....	8.00
S. K. Haugsjaa, mailing room clerk.....	8.00
Walter C. Moris, doorkeeper.....	8.00
Loree Anderson, committee clerk.....	9.00
John Prouty, mailing room clerk.....	8.00
Arend Hoffman, mailing room clerk.....	8.00
LeRoy A. Loder, committee clerk.....	9.00
Victor Nordloff, mailing clerk.....	8.00
J. G. Johnson, messenger to senate.....	8.00

SENATE

Edward Leno, secretary of the senate.....	15.00
Reuben Olson, assistant secretary of the senate....	12.00
Dagny Olson, desk reporter.....	17.00
Earl Murray, bill clerk.....	11.00
Oswald Kruisk, sergeant-at-arms.....	9.00
Betty Bird, secretary of the lt. governor.....	11.00
Mrs. P. J. Curtis, enrolling and engrossing.....	10.00
Mrs. Alice J. Knoll, enrolling and engrossing.....	10.00
Anne Entringer, stenographer.....	11.00

Mrs. Helen Youness, stenographer.....	11.00
Ione M. Feldmann, stenographer.....	11.00
Wilma Cook, stenographer.....	11.00
Myrtle Steen, stenographer.....	11.00
Oscar O. Odegaard, proofreader.....	9.00
Francis V. Froeschle, proofreader.....	9.00
Mrs. Mary Welder, postmaster.....	9.00
T. A. Crawford, chart room.....	10.00
George Lund, chart room.....	8.00
Elmer Sundlie, chart room.....	8.00
Russell Nerison, calendar clerk.....	11.00
Arthur Herk, supply room clerk.....	10.00
Mrs. John Steichen, committee clerk.....	9.00
Arnold Holden, committee clerk.....	9.00
Leonard Borgen, committee clerk.....	9.00
C. S. Tornbom, committee clerk.....	9.00
Evelyn G. Connolly, committee clerk.....	9.00
Stanley Benson, committee clerk.....	9.00
F. J. Smith, committee clerk and law reporter.....	11.00
C. E. Thomas, messenger to governor.....	8.00
Joe Wicks, messenger to house.....	8.00
Claudia M. McCulloch, telephone attendant.....	8.00
Jacquelyn M. Krenz, page.....	8.00
Susan Jacobsen, page.....	8.00
Dacotah Mehrer, page.....	8.00
Mary Triska, page.....	8.00
Emil Pederson, doorkeeper.....	8.00
Anton Feist, doorkeeper.....	8.00
John S. Hove, bill room.....	8.00
Mrs. P. J. Farr, bill room.....	8.00
Martin Kilwein, bill room.....	8.00
Ed Richter, committee room attendant.....	8.00
John Lindemann, committee room attendant.....	8.00
Miles Nelson, chief mailing clerk.....	10.00
Al Norton, mailing clerk.....	8.00
Ray Unzelman, mailing clerk.....	8.00
O. J. Saunders, mailing clerk.....	8.00
A. W. Cook, mailing clerk.....	8.00
George Hegland, mailing clerk.....	8.00
Christ W. Geier, mailing clerk.....	8.00
Joe Eisele, night watchman.....	8.00
E. Wilson Willoughby, cloak room attendant.....	8.00
Norin Korsmo, committee room attendant.....	8.00
Joe Davis, assistant sergeant-at-arms.....	8.00

Filed January 27, 1953.

HOUSE RESOLUTION No. 12
(Beede, Holand and Leet)

EMPLOYMENT OF ASSISTANT ENROLLING AND
ENGROSSING CLERK

A resolution directing the employment committee to provide a qualified assistant enrolling and engrossing clerk to check the form and code numbers of bills.

WHEREAS, certain bills have been introduced in the thirty-third legislative assembly which were not drafted in accordance with adopted uniform rules of bill drafting; and

WHEREAS, through error, bills have been introduced and amended, using incorrect code citations.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA: that the employment committee of the house of representatives of the thirty-fourth legislative assembly is hereby directed to hire an assistant enrolling and engrossing clerk who is qualified by experience and training to check all bills introduced to insure that they have been drafted in accordance with the adopted uniform bill drafting rules and that correct code citations appear in all bills and amendments to such bills.

Filed March 10, 1953.

HOUSE CONCURRENT RESOLUTION "J-1"
(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the house and senate.

WHEREAS, after termination of the thirty-third legislative assembly a complete record with index of the senate and house journals must be prepared.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That Edward Leno, secretary of the senate, and V. L. Gilbreath, chief clerk of the house, are hereby authorized, empow-

ered and employed to compare and index the journals of the thirty-third legislative assembly, and the said Edward Leno, secretary of the senate, and V. L. Gilbreath, chief clerk of the house, are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within twenty days after the adjournment of the session.

BE IT FURTHER RESOLVED, that for the services of the said Edward Leno and V. L. Gilbreath, as above set forth, that they be paid the sum of five hundred dollars each, which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said Edward Leno and V. L. Gilbreath showing completion of such work.

Filed March 9, 1953.

HOUSE CONCURRENT RESOLUTION "I-1"
(Joint Committee on Employment)

COMPLETION OF MISCELLANEOUS LEGISLATIVE WORK

A concurrent resolution providing for the retaining of certain employee 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, Ray Unzelman, Charles Ufer, Eva Haggard, mailing clerks of the thirty-third legislative assembly, be retained for five days after the close of this session to complete sending senate and house journals of the last days of the session; that Enola Eck and Frances V. Froeschle, proofreaders of the house and senate, respectively, be retained for four days after the close of the session to finish proofreading the journals of the house and senate for the last day of this thirty-third legislative assembly; that Robert Simenson and Lowell Knopfel, pages of the house, and Mary Triska and Jacquelyn M. Krenz, pages of the senate, be retained for three days after the close of session for the purpose of wrapping and either mailing or expressing to the members of the senate and the house, bill books, journals, reports and files; and that Nellie Olson and Mary Welder, postmistresses of the house and senate, respectively, be retained for two days after the close of this session

for the purpose of disposing of any mail coming in after the close of session, and that Mrs. P. J. Curtis, Mrs. Alice Knoll, Charles Bryan and Cora Jean Kleppe be retained for two days to complete their work as enrollers and engrossers.

BE IT FURTHER RESOLVED, that each of the above named employees, to-wit: Miles Nelson be paid for said additional five days the sum of ten dollars per day and that Ray Unzelman, Charles Ufer and Eva Haggard be paid for additional five days, the sum of eight dollars per day; that Enola Eck and Frances V. Froeschle, proofreaders of the house and senate, respectively, be paid the sum of nine dollars per day for four days; that Robert Simenson, Lowell Knopfel, Mary Triska and Jacquelyn M. Krenz, as pages, be paid the sum of eight dollars per day for said additional three days; and that Nellie Olson and Mary Welder, postmistresses, be paid the sum of nine dollars per day for said additional two days; and that Mrs. P. J. Curtis, Mrs. Alice Knoll, Charles Bryan and Cora Jean Kleppe be paid the sum of ten dollars per day for each additional two days; all of the above expenses to be paid as other legislative expense and paid when the respective claims are verified by the affidavits of said parties named herein at the completion of said work.

Filed March 10, 1953.

HOUSE CONCURRENT RESOLUTION "H-1"
(Joint Committee on Employment)

COMPILATION OF A RECORD OF BILLS INTRODUCED

A concurrent resolution providing for the preparation of a compilation of a record of bills introduced in the house of representatives and the senate of the State of North Dakota.

WHEREAS, a complete record of action upon and disposal of all bills introduced in the house and senate during this session should be made available to house and senate members as quickly as possible, such record to show what bills have been indefinitely postponed, withdrawn or passed with notation of journal date and page of amendment thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That such compilation be at once prepared in a pamphlet similar in size to the house and senate journals; that V. L.

Gilbreath, chief clerk of the house, and Edward Leno, secretary of the senate, be employed to prepare such compilation immediately, and a copy of same be mailed as speedily as possible to each member of the house and senate at the home address thereof;

BE IT FURTHER RESOLVED, that the said V. L. Gilbreath and Edward Leno be and are hereby respectfully retained on this work for the house and for the senate for a period of eight days after the adjournment of this legislative assembly, at their present pay, such compensation with the printing expense of such pamphlet and of mailing same to be charged and paid as legislative expense.

Filed March 9, 1953.

HOUSE RESOLUTION No. 13
(Acheson and Nygaard)

COMMENDATION OF MERLE E. NOTT

A resolution commending Merle E. Nott for the work done in connection with the mock session.

WHEREAS, Merle E. Nott has given of his time and efforts in the preparation and direction in the presentation of the mock session during the last three sessions; and

WHEREAS, he has done this to assist the employees in making this traditional mock session a success,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY, that we do commend and compliment Merle E. Nott for this splendid work and take this means of showing our gratitude and that an enrolled copy be delivered by the chief clerk to Merle E. Nott, Fargo, North Dakota.

Filed March 10, 1953.

HOUSE RESOLUTION No. 10
(Haugen and Brown)

COMMENDATION OF MR. ORLAND HESKIN

A resolution commending Mr. Orland Heskin for providing entertainment at various functions of the thirty-third legislative assembly.

WHEREAS, Mr. Orland Heskin has freely given of his time and talent in appearing on the entertainment program at var-

ious dinners, meetings and other functions attended by members of the thirty-third legislative assembly, and

WHEREAS, the entertainment provided by Mr. Heskin at such functions has been thoroughly enjoyed by the legislative members and attendants,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY, that Mr. Heskin be commended and thanked for his participation on the entertainment programs of the various meetings, dinners and other functions of the thirty-third legislative assembly, and that the chief clerk of the house of representatives forward a copy of this resolution to Mr. Orland Heskin.

Filed March 7, 1953.

HOUSE RESOLUTION No. 5
(Einerson, Christopher, Sommer)

STUDY OF HIGHWAY SAFETY PROBLEMS

A house resolution directing the legislative research committee to carry out a comprehensive study of highway safety problems.

WHEREAS, highway accidents have been steadily increasing in the state of North Dakota, and the past two years have brought the highest toll of highway fatalities in the history of the state with property losses totaling millions of dollars and causing immeasurable human suffering,

WHEREAS, certain states which carry on an active accident prevention program in the fields of highway engineering, enforcement, and public education have consistently maintained low accident rates and have thereby proven that the yearly increase in the death toll upon the highways is not necessary and that accident rates can be lowered.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that the legislative research committee carry on a comprehensive study of highway safety problems in the state of North Dakota and report its recommendations to the thirty-fourth legislative assembly.

Filed February 25, 1953.

HOUSE RESOLUTION No. 3
(Sailer, Wolf of McIntosh, Haugen, Leet,)
(Erickson of Divide-Burke)

**STUDY OF THE REHABILITATION AND RESTORATION OF
LAND AFFECTED BY COAL MINING ACTIVITIES**

A resolution directing the legislative research committee to make a comprehensive study relative to the rehabilitation and restoration of land effected by strip and underground coal mining activities.

WHEREAS, deposits of lignite coal in North Dakota have been estimated at six hundred billion tons, or approximately eighteen per centum of the coal reserves of the United States, and such deposits cover approximately two-fifths of North Dakota, and

WHEREAS, there has been a steady increase in strip mining activities in this state, and further increases in such mining activities seem very probable through the use of lignite in briquetting plants, electrical power generating plants, gasification of lignite, synthetic organic chemicals, production of synthetic liquid fuels, and general industrial development, and

WHEREAS, strip and underground mining activities lay waste sizeable portions of land that will never again be suitable for agricultural or grazing purposes and which is entirely void of economic value, and

WHEREAS, such property eventually comes into the hands of the various counties through tax foreclosure sales, which further reduces the tax base of such counties and causes a reduction in the county population,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that the legislative research committee undertake a study of feasible and practical methods of rehabilitating and restoring these lands through such means as requiring the leveling or rounding off of spoil banks, the planting of grass, trees or shrubs to prevent undue erosion, the saving of top soil for eventual replacement, or other methods that would restore such premises to a condition suitable for general agricultural purposes, grazing, or other activities of economic merit, and to report its findings and recommendations to the thirty-fourth legislative assembly.

Filed February 25, 1953.

HOUSE RESOLUTION No. 7
(Committee on Natural Resources)

**STUDY OF THE MANAGEMENT PROBLEM OF LAND ACQUIRED
BY FEDERAL AGENCIES ALONG WATER PROJECTS**

A resolution directing the legislative research committee to study the problem of management of land acquired by federal agencies along water projects of the bureau of reclamation.

WHEREAS, the bureau of reclamation has acquired substantial tracts of land along the shores of artificial lakes and dams constructed by the bureau of reclamation and the United States army corps of engineers, and

WHEREAS, the bureau of reclamation desires an agency of the state of North Dakota to take over the management of these lands and operate them as recreational areas,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the legislative research committee study the problem of the management of any federally-owned lands which the federal government or its agencies desires to be managed by the state of North Dakota and to determine the proper agency of the state of North Dakota most qualified to manage such lands and that the legislative research committee submit its report to the thirty-fourth legislative assembly of the state of North Dakota.

Filed February 25, 1953.

SENATE RESOLUTION No. 3
(Education Committee)

**STUDY OF ORGANIZATION AND ADMINISTRATION OF
STATE SYSTEM OF EDUCATION**

A resolution providing for a study of organization and administration of the state system of education.

WHEREAS, the state system of free public schools, as prescribed by Article VIII of the state constitution, extends from the

primary through all grades up to and including the collegiate courses; and

WHEREAS, responsibility for organization and administration in secondary and elementary education is largely centralized in the elective office of superintendent of public instruction and for higher education in the appointive board of higher education; and

WHEREAS, expanding modern educational needs have necessitated the establishment of additional programs, facilities, services and agencies partially integrated into existing administrative structures,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the legislative research committee is authorized and directed to study and consider the organization and administration of education in North Dakota with a view of promoting economy and efficiency, defining responsibility, and providing for coordination of all phases of the state school system. It shall consider the feasibility of unifying all educational phases under one state board of education and report the results of its appraisals to the 34th legislative assembly in the form of bills, resolutions, proposed constitutional amendments or otherwise as it may deem necessary.

Filed February 12, 1953.

SENATE RESOLUTION No. 9
(Committee on Judiciary)

STUDY OF WORKMEN'S COMPENSATION INSURANCE

A resolution directing the legislative research committee to conduct a detailed study of the North Dakota workmen's compensation insurance program, and to prepare a plan for the readjustment of the compensation payable under such insurance.

WHEREAS, workmen's compensation insurance payments are often in excess of the wage the injured employee was receiving at the time of his injury, and

WHEREAS, the present manner and rate of making compensation payments results in certain wage groups receiving benefits and compensation under such plan which total a greater percentage of their weekly income than do other wage groups,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the legislative research commit-

tee undertake a study of the North Dakota workmen's compensation insurance program, in order that the committee may recommend to the next legislative assembly a comprehensive system of laws and changes in existing laws which will eradicate the inequalities and injustices which exist under the present program. In making studies, examinations, and recommendations requiring clerical and stenographic services, the committee, with the consent of the workmen's compensation bureau shall utilize such employees and facilities of the workmen's compensation bureau as may be necessary and available, and shall cooperate with and secure cooperation of the workmen's compensation bureau and all other state and local officials who are charged with duties and responsibilities which relate in any way to the administration or financing of the workmen's compensation insurance program.

Filed February 23, 1953.

HOUSE RESOLUTION No. 2
(Breum, Scott and Erickson of Burke-Divide)

OFFICIAL PHOTOGRAPHER—HOUSE OF REPRESENTATIVES

A resolution to appoint an official photographer for the house of representatives of the thirty-third legislative assembly of the State of North Dakota.

Be It Resolved By The House of Representatives of the State of North Dakota:

WHEREAS, for historical purposes it has been the custom of all North Dakota legislative assemblies to have composite group pictures made of all members of such assemblies, and

WHEREAS, Mason Owens Studio of Bismarck, North Dakota, offers to make a large composite group picture of the members of the house of representatives of the thirty-third legislative assembly, size forty-nine inches by thirty-eight and one-half inches, composite framed and ready to hang, and one hundred seventeen, eleven by fourteen, copies of said picture for each member and desk force of the house not to be framed, at a cost of six hundred and forty-five dollars.

NOW, THEREFORE, BE IT RESOLVED: That Mason Owens Studio, Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota house of representatives of the thirty-third legislative assembly.

BE IT FURTHER RESOLVED: That the Mason Owens Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the house of the thirty-third legislative assembly, at a cost price of six hundred and forty-five dollars, to be taken out of legislative expenses.

Filed January 27, 1953.

SENATE RESOLUTION No. 7

(Introduced by Senators Thomas, Haag, and Klusmann)

OFFICIAL PHOTOGRAPHER—SENATE

A resolution to appoint an official photographer for the senate of the thirty-third 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, Campbells Studio of Bismarck, North Dakota, offers to make a composite group picture of the thirty-third legislative assembly, size 30x40, said picture to be framed and ready to hang, and fifty-five 11x14 copies of said picture for each member and desk force of the senate at a cost of three hundred sixty-five dollars;

NOW, THEREFORE, BE IT RESOLVED, that Campbells Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the senate of the thirty-third legislative assembly, at a cost price of three hundred sixty-five dollars, to be taken out of legislative expenses.

Filed February 10, 1953.

HOUSE MEMORIAL RESOLUTION No. IV.

(Committee on Memorial Resolutions)

TRIBUTE TO MEMBERS OF THE HOUSE OF REPRESENTATIVES, DECEASED

A memorial resolution for deceased members of the house of representatives of the State of North Dakota.

WHEREAS, we as members of the house of representatives of the thirty-third legislative assembly of the state of North

Dakota today mourn the passing of former members of the house of representatives to their eternal rest, and

WHEREAS, since the thirty-second legislative assembly, the following former members have been summoned by God in His infinite wisdom:

Frank Slominski, who served in the seventeenth, eighteenth and nineteenth legislative assemblies from the fourth district, died February 28, 1951;

E. O. Burtness, who served in the eighth and ninth legislative assemblies from the sixth district, died March 22, 1951;

Albert A. Monek, who served in the tenth legislative assembly from the twenty-third district, died March 23, 1951;

E. T. Halaas, who served in the tenth legislative assembly from the thirty-second district, died April 8, 1951;

C. H. Opdahl, who served in the twentieth to the twenty-third legislative assemblies from the twenty-fourth district, died June 3, 1951;

Arlan Stair, who served in the twenty-eighth to the thirty-second legislative assemblies, inclusive, from the twenty-eighth district, died June 7, 1951;

George J. Schultz, who served in the twenty-first legislative assembly from the forty-seventh district, died June, 1951;

B. E. Blake, who served in the tenth legislative assembly from the thirteenth district, died July 6, 1951;

S. N. Welder, who served in the twenty-seventh and twenty-eighth legislative assemblies from the thirty-sixth district, died December, 1951;

John Dymes, who served in the thirteenth legislative assembly from the ninth district, died September 6, 1951;

H. L. Halvorson, who served in the twenty-second legislative assembly from the twenty-ninth district, died October 3, 1951;

Adam Nagel, Jr., who served in the seventeenth legislative assembly from the thirty-sixth district, died October 1, 1951;

Ben Northridge, who served in the twenty-first and twenty-second legislative assemblies from the fifteenth district, died December 2, 1951;

Frank A. Vogel, who served in the seventeenth, eighteenth and nineteenth legislative assemblies from the forty-sixth district, died December 13, 1951;

Lars O. Fredrickson, who served in the fifteenth to the eighteenth legislative assemblies, inclusive, from the seventeenth district, died December 30, 1951;

John N. McIntyre, who served in the twenty-sixth and twenty-seventh legislative assemblies from the thirty-eighth district, died January 22, 1952;

Andrew Erickson, who served in the eighteenth and nineteenth legislative assemblies from the sixteenth district, died February 18, 1952;

George McClellan, who served in the twelfth and fourteenth legislative assemblies from the thirty-ninth district, died April 18, 1952;

George Aljets, who served in the twentieth to the twenty-fourth legislative assemblies, inclusive, from the thirty-third district, died April 27, 1952;

E. E. Veitch, who served in the eighteenth to the twenty-second legislative assemblies, inclusive, from the seventh district, died May 9, 1952;

C. W. McDonnell, who served in the fifteenth and sixteenth legislative assemblies from the thirty-second district, died May 16, 1952;

Charles W. Carey, who served in the twelfth to the twentieth legislative assemblies, inclusive, from the thirty-seventh district, died June 10, 1952;

Walter Welford, who served in the tenth, eleventh, fifteenth and sixteenth legislative assemblies from the first district, died June 28, 1952;

Martin Lund, who served in the twenty-fourth legislative assembly from the fourteenth district, died July 3, 1952;

Ole Hildre, who served in the nineteenth legislative assembly from the seventeenth district, died October 6, 1952;

H. L. Nelson, who served in the twenty-third legislative assembly from the twenty-ninth district, died October 16, 1952;

Ole Tunneberg, who served in the nineteenth legislative assembly from the tenth district, died November 21, 1952;

P. K. Holm, who served in the twenty-sixth and twenty-seventh legislative assemblies from the seventeenth district, died February 8, 1953;

J. A. Jardine, who served in the seventeenth to the twenty-third legislative assemblies, inclusive, from the ninth district, died September 15, 1952;

C. H. Borstad, who served in the twenty-fourth legislative assembly from the forty-fifth district, died March 20, 1952;

Now, THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-third legislative assembly of the state of North Dakota, that we pause today in our deliberations to pay tribute to their revered memory, and in behalf of the people of the state of North Dakota show our deep gratitude for their devoted service in this state; as they consecrated themselves to a great service, let us carry on the task which they have begun,

BE IT FURTHER RESOLVED, that for the perpetuation of their memory, this token of respect and sympathy by their successors in trust be printed in the journal of the house and that duly enrolled copies of this resolution be transmitted by the secretary of state of North Dakota to the surviving families of these deceased representatives.

Filed February 26, 1953.

SENATE MEMORIAL RESOLUTION "C"
(Senate Memorial Resolutions Committee)

TRIBUTE TO MEMBERS OF THE SENATE, DECEASED

A memorial resolution for deceased members of the senate of the State of North Dakota.

WHEREAS, since the adjournment of the thirty-second legislative assembly, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

Walter Welford, who served in the fifteenth and sixteenth legislative assemblies, from the first district, died June 28, 1952;

George Brown, who served in the eighth and ninth legislative assemblies, from the tenth district, died December 15, 1951;

C. S. Aasen, who served in the twenty-fifth and twenty-sixth legislative assemblies, from the seventeenth district, died April 22, 1951;

Lars O. Fredrickson, who served in the nineteenth to the twenty-fourth legislative assemblies, inclusive, from the seventeenth district, died December 30, 1951;

Alfred Welander, who served in the thirty-first and thirty-second legislative assemblies, from the twenty-fifth district, died November 28, 1951;

Edward Magoffin, who served in the twenty-fifth and twenty-sixth legislative assemblies, from the twenty-fifth district, died January 31, 1953;

H. W. Allen, who served in the twelfth to the fifteenth legislative assemblies, inclusive, from the twenty-sixth district, died February 21, 1951;

C. D. King, who served in the fifteenth, sixteenth and seventeenth legislative assemblies, from the twenty-seventh district, died January 14, 1953;

Arthur F. Bonzer, Jr., who served in the twenty-first to the twenty-fourth legislative assemblies, inclusive, from the thirty-seventh district, died June 18, 1951;

Charles W. Carey, who served in the fifteenth to the twentieth legislative assemblies, inclusive, from the thirty-seventh district, died June 10, 1952;

Hjalmer Nelson, who served in the twenty-sixth to the thirty-second legislative assemblies, inclusive, from the forty-first district, died October 7, 1952;

Willard Anderson, who served in the thirty-second legislative assembly, from the forty-second district, died December 14, 1951;

W. B. Overson, who served in the eleventh to the fourteenth legislative assemblies, inclusive, from the forty-fifth district, died March 18, 1951;

P. I. Dahlen, who served in the twenty-ninth and thirtieth legislative assemblies, from the forty-fifth district, died January 7, 1953;

P. B. Garberg, who served in the seventeenth and eighteenth legislative assemblies, from the forty-ninth district, died October 26, 1951, and

WHEREAS, today, we as members of the senate of the thirty-third legislative assembly of the state of North Dakota, pause to mourn the passing of our former colleagues and to honor their memories, and

WHEREAS, these men rendered outstanding service to the people of this state by their contribution to their fellow men and their communities,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, that we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues,

BE IT FURTHER RESOLVED, that for the perpetuation of their memory, this token of respect and sympathy by their successors in trust be printed in the journal of the senate and that duly enrolled copies of this resolution be presented by the secretary of state to the surviving families of these deceased senators.

Filed February 26, 1953.

SENATE MEMORIAL RESOLUTION "A"
(Knudson)

**SYMPATHY AND CONDOLENCE TO SENATOR AND
MRS. J. B. BRIDSTON**

WHEREAS, God in His infinite wisdom has seen fit to summon to her eternal rest, Mrs. Andrew Pederson, the mother of the wife of our colleague, Senator J. B. Bridston,

Now, THEREFORE, be it resolved by the senate of the thirty-third legislative assembly of the state of North Dakota, that we express our deep sorrow and extend to Senator and Mrs. Bridston our sincere sympathy and condolences in this their time of sorrow, knowing that God in his mercy will assuage the present sorrow and leave fond memories of a loving and kind mother.

BE IT FURTHER RESOLVED that this resolution be entered in the journal of the senate of the legislative assembly, and that a copy hereof, signed by the president and secretary of the senate, be transmitted to Senator and Mrs. J. B. Bridston.

Filed January 28, 1953.

HOUSE MEMORIAL RESOLUTION No. I.
(Schuler, Rudolf, Wolf of McIntosh-Logan)

SYMPATHY AND CONDOLENCE TO SENATOR ED HAAG
AND MRS. RUDOLPH SCHULTZ

A memorial resolution.

WHEREAS, God in His infinite wisdom has seen fit to summon to his eternal rest, Mr. Rudolph Schultz, a half-brother of our good colleague, Senator Haag,

Now, THEREFORE, be it resolved by the house of the thirty-third legislative assembly of the state of North Dakota, that we express our deep sorrow and extend to Senator Haag and Mrs. Schultz our sincere sympathy and condolences in this their time of sorrow, knowing that God in his mercy will assuage the present sorrow and leave fond memories of a loving and kind brother and husband.

BE IT FURTHER RESOLVED that this resolution be entered in the journal of the house of the legislative assembly, and that a copy hereof, signed by the speaker and the chief clerk of the house, be transmitted to Senator Haag and Mrs. Schultz.

Filed February 10, 1953.

SENATE MEMORIAL RESOLUTION "B"
(Streibel)

SYMPATHY AND CONDOLENCE TO SENATOR ED HAAG
AND MRS. RUDOLPH SCHULTZ

A memorial resolution.

WHEREAS, God in His infinite wisdom has seen fit to summon to his eternal rest, Mr. Rudolph Schultz, a half-brother of our good colleague, Senator Haag,

Now, THEREFORE, be it resolved by the senate of the thirty-third legislative assembly of the state of North Dakota, that we express our deep sorrow and extend to Senator Haag and Mrs. Schultz our sincere sympathy and condolences in this their time of sorrow, knowing that God in His mercy will assuage

the present sorrow and leave fond memories of a loving and kind brother and husband.

BE IT FURTHER RESOLVED, that this resolution be entered in the journal of the senate of the legislative assembly, and that a copy hereof, signed by the president and secretary of the senate, be transmitted to Senator Haag and Mrs. Schultz.

Filed February 9, 1953.

HOUSE MEMORIAL RESOLUTION No. III.
(Haugen, Holand, Link, Nygaard and Sailer)

SYMPATHY AND CONDOLENCE TO SPEAKER WALTER BUBEL
AND FAMILY

A memorial resolution extending condolences to Speaker Bubel upon the death of his mother.

WHEREAS, it has come to the attention of the house of representatives that grief and sorrow have entered the home of our colleague and speaker, Walter Bubel, by reason of the death of his mother on February 17th, 1953, and

WHEREAS, Speaker Bubel is held in the highest esteem by the members of this body, who share with him the sorrow brought to him at this time,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that in this time of distress we extend our sincerest sympathies to Speaker Bubel and the members of his family,

BE IT FURTHER RESOLVED that this resolution be printed in the journal and an enrolled copy be presented to our colleague, Speaker Bubel.

Filed February 19, 1953.

HOUSE MEMORIAL RESOLUTION No. II.
(Engen, Crothers and Fleenor)

P. K. HOLM

A memorial resolution.

WHEREAS, God in his infinite wisdom has seen fit to summon to his eternal rest, Mr. P. K. Holm, former member of the house of representatives from the 17th district,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That we express our deep sorrow and extend to Mrs. P. K. Holm our sincere sympathy and condolence in this her time of sorrow, knowing that God in His mercy will assuage the present sorrow and leave fond memories of a loving and kind husband.

BE IT FURTHER RESOLVED that this resolution be entered in the journal of the house of the thirty-third legislative assembly, and that a copy hereof, signed by the speaker and chief clerk of the house be transmitted to Mrs. P. K. Holm.

Filed February 13, 1953.

HOUSE MEMORIAL RESOLUTION No. V.
(Power)

**TRIBUTE TO LEO E. CALLAHAN, AND SYMPATHY
TO HIS FAMILY**

A memorial resolution for Leo E. Callahan, a deceased member of the house of representatives of the State of North Dakota.

WHEREAS, God, in his infinite wisdom, has seen fit to summon to his eternal rest Leo E. Callahan, who represented in this body the 18th legislative district during the 28th, 29th, 30th, 31st and 32nd sessions; and

WHEREAS, we, the members of the thirty-third legislative session today mourn the passing of this man, who, for so many years, devoted his untiring efforts to the service not only of the people of his community, but to the people of his state as well.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That we pause in our deliberations and pay tribute to his memory, and in behalf of the people of the state of North Dakota express our gratitude for those years of service so willingly and generously put in by Leo E. Callahan in this body;

BE IT FURTHER RESOLVED, that we extend to the family of our former associate and friend, our sincere sympathy, that this resolution be printed in the journal of this house, and that enrolled copies thereof be transmitted by the secretary of state to the members of his family.

Filed March 3, 1953.

SENATE RESOLUTION No. 11
(Introduced by Senators Olson and Sandness)

BANNING LIQUOR ADVERTISING IN MAGAZINES
AND NEWSPAPERS

A resolution to memorialize the congress of the United States to pass suitable legislation banning liquor advertising in magazines and newspapers.

WHEREAS, the liquor industry is currently procuring a great deal of space in newspapers and magazines advertising and promoting the consumption of alcoholic beverages, and

WHEREAS, such advertising is certain to have the effect of increasing the consumption of such alcoholic beverages, and will especially influence the youth of our nation by glamorizing the use of such alcoholic beverages,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the congress of the United States is hereby memorialized to pass suitable legislation prohibiting the advertising of alcoholic beverages in newspapers and magazines.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the secretary of the senate to Senators Milton Young and William Langer and Representatives Usher Burdick and Otto Krueger.

Filed March 3, 1953.

HOUSE CONCURRENT RESOLUTION "D-1"
(Levin and Wolf of McIntosh)

OPPOSING THE REPEAL OF THE LONG AND SHORT HAUL
CLAUSE OF SECTION FOUR OF THE INTERSTATE
COMMERCE ACT

A concurrent resolution opposing the repeal of the long and short haul clause of section four of the interstate commerce act.

WHEREAS, there will be proposed and introduced in the Congress of the United States legislation providing for repeal of the long and short haul clause of the fourth section of the interstate commerce act; and

WHEREAS, the repeal of the long and short haul clause would permit railroad companies to assess lower rates and charges for long hauls than for shorter hauls over the same route in the same direction; and

WHEREAS, the charging of a higher rate for a short haul than for a longer haul, the shorter being included within the longer, is now forbidden on North Dakota intrastate traffic in section 49-0409 of the North Dakota Revised Code of 1943; and

WHEREAS, the passage of such legislation will result in increased freight rates and charges on articles moving in interstate commerce to and from North Dakota, particularly on grain, lignite, and other commodities, to the detriment of producers, shippers and consumers of the state of North Dakota; that it would encourage discriminations in rates against small shippers in favor of large shippers that would be against the public interest; and would, we believe, be in the end detrimental to the best interests of the railroads themselves.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the congress of the United States is hereby respectfully memorialized and urged to deny the passage of any legislation providing for the repeal or amendment of the long and short haul clause of the fourth section of the interstate commerce act, when, as, and if presented for its consideration.

BE IT FURTHER RESOLVED, That the senators and representatives of the state of North Dakota in the congress of the United States be requested to put forth every honorable effort to defeat the aforesaid type of legislation upon presentation to the congress of the United States, and that copies of this

memorial be forwarded forthwith to the president of the United States, to the president of the senate, to the speaker of the house of representatives of the congress of the United States, and to the senators and representatives of the state of North Dakota.

Filed March 7, 1953.

SENATE RESOLUTION No. 4
(Gronvold, Baeverstad, Krenz)

EARLIER OPENING DATE OF MIGRATORY FOWL HUNTING
SEASON; COMPENSATION FOR CROP DAMAGE

A resolution requesting the United States fish and wildlife service to allow an earlier opening date of the hunting season for migratory water-fowl, and to provide compensation for damage to crops caused by migratory water-fowl.

WHEREAS, the farmers of the state of North Dakota have suffered substantial damage through the loss and destruction of grain by ducks while such grain is lying in a swath or shock, and

WHEREAS, hunting season on ducks does not open until the month of October which prevents hunters and farmers from minimizing this annual damage through their hunting activities,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA: That the United States fish and wildlife service be requested to allow the opening of the hunting season for migratory water-fowl not later than September 15th of each year; and that the federal fish and wildlife service consider the feasibility of compensating farmers for crop damage directly attributable to migratory water-fowl, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the secretary of the senate to the United States fish and wildlife service and members of congress from the state of North Dakota.

Filed February 7, 1953.

HOUSE RESOLUTION No. 8
(Leier and Saugstad)

SHOOTING HOURS FOR MIGRATORY WATER-FOWL

A resolution requesting the United States fish and wildlife service to allow shooting hours of one-half hour before sunrise to sunset for migratory water-fowl.

WHEREAS, the state of North Dakota is one of the few states that raises more ducks within its borders than are shot in the state during the hunting season, and

WHEREAS, migratory water-fowl have been causing excessive damage to the farmers of the state of North Dakota through the destruction of grain after it has been swathed or shocked, and

WHEREAS, the early onset of cold weather in this state and the resulting southern migration of migratory water-fowl has the practical effect of preventing hunting after the first of November, and therefore the hunters of the state of North Dakota do not benefit from the length of the hunting season, and

WHEREAS, daily bag limits will prevent an undue harvest of migratory water-fowl regardless of the shooting hours set by the United States fish and wildlife service,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that the United States fish and wildlife service is hereby requested to set the daily shooting hours for migratory water-fowl from one half hour before sunrise to sunset.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the chief clerk of the house of representatives to the United States fish and wildlife service, and to North Dakota Senators William Langer and Milton R. Young and Representatives Usher L. Burdick and Otto Krueger.

Filed March 5, 1953.

HOUSE CONCURRENT RESOLUTION "Y"
(Hafner, Schmalenberger, Snow and Esterby)

RETURN OF MINERAL RIGHTS TO ORIGINAL LANDOWNERS

A concurrent resolution memorializing the congress of the United States to return to the original landowners mineral rights acquired by federal agencies.

WHEREAS, this assembly is in favor of proposed federal legislation providing for the return of mineral rights to original landowners whose lands have been acquired by federal agencies through purchase, condemnation or foreclosure.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That this assembly does hereby memorialize and petition the congress of the United States to enact such legislation as may be necessary for the return of mineral rights to original landowners whose lands have been acquired by federal agencies through purchase, condemnation or foreclosure.

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be sent by the secretary of state to the presiding officer in each house of the congress of the United States, to the secretary of agriculture and the secretary of the interior of the United States, and to each member of the North Dakota congressional delegation.

Filed March 7, 1953.

HOUSE CONCURRENT RESOLUTION "M"
(Erickson of Burke-Divide, Larsen and Schmidt)

**OVERALL PLAN FOR THE DEVELOPMENT OF THE MISSOURI
BASIN; EXTENSION OF THE RURAL ELECTRIFICATION
BENEFITS AND THE CONSTRUCTION OF THE
ST. LAWRENCE WATERWAY**

A concurrent resolution memorializing the congress of the United States to enact legislation for the creation of an overall integrated plan for the development of the Missouri Basin, the extension of the benefits of the rural electrification administration, and for the construction of the St. Lawrence waterway.

WHEREAS, it is in the best interests of the citizens of this state and of the United States that the natural resources and

power of this nation be fully and efficiently utilized, and that the destruction and waste occasioned by repeated floods be halted; and

WHEREAS, the attainment of these purposes requires that present programs for the development of the rivers, lakes and harbors of this nation be continuously expanded and improved, and requires that the available power distribution and production facilities be enlarged to extend service to many more persons.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the congress of the United States is hereby memorialized and petitioned to enact suitable legislation for:

1. The creation of an overall integrated plan for the development of the natural resources and power, and for the efficient control of floods in the Missouri Basin;
2. The extension of the distribution systems and power producing facilities of the rural electrification administration; and
3. The joint construction and control by the United States and the Dominion of Canada of the St. Lawrence Waterway.

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be sent by the secretary of state to the President of the United States, the Prime Minister of the Dominion of Canada, the secretary of the interior of the United States, the presiding officers of each of the houses of the congress of the United States, and to each member of the North Dakota congressional delegation.

Filed March 6, 1953.

SENATE CONCURRENT RESOLUTION "F"
(Stucke and Kusler)

MISSOURI RIVER HIGHWAY BRIDGE AT WASHBURN

A concurrent resolution relating to a highway bridge over the Missouri River at Washburn, North Dakota.

WHEREAS, a highway bridge at this point would greatly improve the general welfare of a great number of persons in

the large area on both sides of the river and would stimulate the development and productivity of the entire state of North Dakota, and

WHEREAS, a major highway, No. 83, at this point runs up to the river from two directions with no opportunity to cross, and

WHEREAS, a bridge would eliminate a hazard which has already caused the loss of many lives and much property, and

WHEREAS, development in oil to the north and the building of a thirty million dollar refinery at Mandan will call for much heavy truck traffic to the north and northwest part of the state, and

WHEREAS, considerable congestion of traffic will result in the cities of Mandan and Bismarck due to the influx of thousands of people as a result of building operations by the Standard Oil Company and the Montana-Dakota Power Company at Mandan and other major oil companies in Bismarck, and

WHEREAS, the trucks leaving the refinery for the north would avoid this heavy traffic, and would save considerable time and distance, and

WHEREAS, the river now constitutes an impediment to the free circulation of people, commerce, and finance, and in the future will more than ever retard the development of a great area, and

WHEREAS, the original Sanish Bridge is for sale by the owners, and the construction bridge at the Garrison Dam site may be available, and

WHEREAS, this bridge could be moved to the Washburn site cheaper than it could be moved to any other location in another state, and

WHEREAS, a bridge at this point would complement the bridge at Bismarck and in time of war would be vital to the national defense.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the state highway department make a thorough study of this plan.

Filed March 9, 1953.

SENATE CONCURRENT RESOLUTION "I"
(Streibel, Nordhougen, and Duffy)

**DISCONTINUATION OF FEDERAL TAXATION OF
MOTOR VEHICLE FUEL**

A concurrent resolution memorializing and petitioning the federal congress to discontinue federal taxation of motor vehicle fuel and to reserve such source of highway revenue to the several states.

WHEREAS, financing of state and local highway systems is becoming an increasingly severe problem in all states but remains a matter best handled on state and local levels, and

WHEREAS, state responsibility can be fully assumed only through full utilization of the limited fields of revenue available to the states, and

WHEREAS, highway user revenue must continue to be the primary source from which costs of state and local highway systems are met and such revenue on the state level is devoted almost without exception to such systems, and

WHEREAS, the taxation of motor vehicle fuels as a means of securing revenue for highway purposes is traditionally and appropriately reserved primarily to the states,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that we do hereby memorialize and petition the congress of the United States that the present federal taxation of motor vehicle fuel be discontinued and that this important source of highway revenue be reserved exclusively to the several states;

BE IT FURTHER RESOLVED, that copies of this resolution properly authenticated, be transmitted by the secretary of state to the presiding officer of each house of congress, and to the members of the North Dakota delegation in congress.

Filed March 7, 1953.

HOUSE CONCURRENT RESOLUTION No. "K-1"
(Committee on Appropriations)

ISSUANCE OF ONLY ONE MOTOR VEHICLE LICENSE PLATE

A resolution directing the motor vehicle registrar to issue only one license plate.

WHEREAS, because of possible steel shortages it is possible the motor vehicle registrar may experience difficulties in obtaining sufficient steel to issue two motor vehicle license plates, and

WHEREAS, the issuance of two plates will cost the state of North Dakota approximately \$60,000.00 per year more than the cost of issuing a single plate, and

WHEREAS, twenty-two states now issue only one plate and five states issue only renewal tags,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY, THE SENATE CONCURRING THEREIN, that the motor vehicle registrar is directed to initiate the practice of issuing only one motor vehicle license plate.

Filed March 9, 1953.

SENATE CONCURRENT RESOLUTION "Q"
(Rue, Geelan, Duffy, Nordhougen and Bridston)

TRIBUTE TO MYRON H. ATKINSON

A concurrent resolution expressing the thanks of the members of the legislature of the State of North Dakota, as well as that of all the citizens of the state to a true servant of all of the people of our beloved state.

WHEREAS, God in His infinite wisdom, has seen fit to remove from our midst, Myron H. Atkinson, a man and a friend, who, during all of his adult life, has labored long and conscientiously for the benefit of not only the citizens of Bismarck, but of the whole state of North Dakota;

A man who, as city auditor of Bismarck, secretary of the league of municipalities of the state of North Dakota, and trustee of the American municipal association, has unselfishly

devoted his whole time and effort to the work of promoting good government in his home town, his home state, and in the nation at large, and

WHEREAS, his services, his efforts, and his time spent in his chosen life work have been recognized and appreciated not only by his home city of Bismarck, but by every municipality in the state of North Dakota, and by others interested in such work in every state in the nation,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That we, at this time, express our heartfelt thanks, appreciation and gratitude to Myron H. Atkinson, for his undying devotion to the work from which all of us have benefited during the past many years, and

BE IT FURTHER RESOLVED, that the president of the senate and the speaker of the house of representatives designate three members from their respective bodies to attend the funeral services for our departed friend and a fellow citizen,

BE IT FURTHER RESOLVED, that this resolution be printed in the journal and that a duly enrolled copy be transmitted by the secretary of state of North Dakota to the surviving members of his family.

Filed March 4, 1953.

HOUSE CONCURRENT RESOLUTION "B"
(Wolf of McIntosh, McLellan, Beede, Rolfsrud, Langseth)
(Holand, R. H. Lynch, Haugen)

CONGRATULATIONS AND BEST WISHES TO
PRESIDENT DWIGHT D. EISENHOWER

A concurrent resolution providing for the sending of a congratulatory telegram to Dwight D. Eisenhower, President of the United States.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the president of the senate and the speaker of the house of representatives be directed to sign and send to President Eisenhower the following telegram:

Dwight Eisenhower, President of the United States, Washington, D. C. The legislative assembly of the state of North Dakota now in session has by resolution requested us to convey to you as chief executive of this nation, its congratulations and best wishes.

Filed January 26, 1953.

SENATE CONCURRENT RESOLUTION "L"
(Stucke, Rue, Kusler and Duffy)

INVITATION TO PRESIDENT DWIGHT D. EISENHOWER TO
ATTEND THE GARRISON DAM CLOSURE CELEBRATION

A concurrent resolution extending an invitation to the President of the United States, Dwight D. Eisenhower, to attend the closure celebration of the Garrison Dam.

BE IT RESOLVED by the senate of the state of North Dakota, the house of representatives concurring therein:

WHEREAS, the closure of the Garrison Dam, to take place at Riverdale, North Dakota, on or about the twenty-fourth day of May, A. D. 1953, will be an event of major import in connection with the development and full control of the water resources of the Missouri River Basin, and

WHEREAS, the Garrison Dam and reservoir project is the heart and keystone of the development plan affecting more square miles of the Missouri River Basin than any other single project and is perhaps the greatest engineering enterprise ever undertaken in the state of North Dakota, conceived primarily to capture the flood waters of the upper Missouri River and to regulate them for the benefit of the entire basin, and

WHEREAS, the enormous multiple-purpose storage made possible by the completion of the dam will afford a wide range of manipulation in the interest of irrigation and other benefits by recognizing the conservation and control of water and soil as the key to the broad scale use of all resources and to general economic and municipal expansion in the Missouri River Basin and will provide a means for the diversion of waters to central and eastern North Dakota.

Now, THEREFORE, BE IT RESOLVED by the senate of the state of North Dakota, the house of representatives concurring therein, that we respectfully extend to his Excellency, the President of

the United States of America, an earnest invitation to visit the Garrison Dam, and, if possible, to be the guest of honor and to address citizens of a great country at the closure celebration, to be held, if it should meet with the schedule of the President of the United States of America, on or about the twenty-fourth day of May, 1953.

BE IT FURTHER RESOLVED, that a copy of this resolution, duly authenticated by the signatures of the governor of the state of North Dakota, and the presiding officers of the senate and the house of representatives, and with the great seal of the state of North Dakota, be transmitted by the secretary of the state of North Dakota to his Excellency, the President of the United States of America.

Filed February 27, 1953.

SENATE CONCURRENT RESOLUTION "R"
(Stucke, Rue, Kusler and Duffy)

**RENEWAL OF INVITATION TO PRESIDENT DWIGHT D.
EISENHOWER TO ATTEND THE GARRISON DAM
CLOSURE CELEBRATION**

A concurrent resolution re-extending an invitation to the President of the United States, Dwight D. Eisenhower, to attend the closure celebration of the Garrison Dam on such day during the month of June as may be convenient for him to attend.

WHEREAS, the legislative assembly of the state of North Dakota did adopt senate concurrent resolution "L" inviting the President of the United States to attend the closure of the Garrison Dam on May 24, 1953, and

WHEREAS, the legislative assembly has been advised that the President will be unable to attend at such time, and

WHEREAS, the state of North Dakota is particularly desirous that the President be present for this occasion,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That such invitation be and the same is hereby renewed and extended for such day during the month of June, 1953 as may be convenient for the President to attend.

BE IT FURTHER RESOLVED, that a copy of this resolution, duly authenticated by the signatures of the governor of the state of North Dakota, and the presiding officers of the senate and the house of representatives and with the great seal of the state of North Dakota, be transmitted by the secretary of the state of the state of North Dakota to his Excellency, the President of the United States of America.

Filed March 9, 1953.

SENATE RESOLUTION No. 8
(Bridston)

**INVESTIGATION OF RUMORS OF SALARY REBATES
IN STATE DEPARTMENTS**

WHEREAS, senate resolution No. 8 called the senate's attention to certain persistent rumors of salary rebates in state departments, and

WHEREAS, the sponsor of the resolution supplied the committee with the source of his information after which the committee examined various witnesses and received some evidence from interested parties on all sides, but due to the shortage of time available was unable to interview all possible witnesses or investigate all suggested sources of information, and as a consequence the committee expresses no opinion on the question of whether there are any actual salary rebates in state departments;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA,

1. That a transcript of all of the testimony taken at the hearing be made by the reporter, Ruth Smith, and that she be paid therefor out of legislative expense at the rate provided by law for court reporters, and that a copy of such transcript, together with exhibits relating to the signature of Almon Norton be delivered to the state's attorney of Burleigh County for such further investigation as he may deem proper, and that a copy of such transcript be filed with the secretary of state;

BE IT FURTHER RESOLVED that the letters and exhibits pertaining to the Walter Trout matter be delivered to the attorney general for further investigation and that the checks delivered

by the secretary of the senate to the committee be endorsed by him to the state of North Dakota and delivered to the state treasurer for deposit in the general fund.

BE IT FURTHER RESOLVED that the general question of political contributions by state employees and salary kick-backs by state employees be given further attention at the next session of the legislature.

Filed March 9, 1953.

HOUSE CONCURRENT RESOLUTION "G"
(Committee on Appropriations)
(At the request of)
(The Board of Administration)

DISCONTINUATION OF THE FARM AT THE SCHOOL
FOR THE DEAF

A concurrent resolution authorizing the board of administration to discontinue the operation of the farm at the North Dakota school for the deaf and to dispose of the livestock and other personal property used in said farming operations.

WHEREAS, the North Dakota school for the deaf has been operating the two hundred forty acre farm belonging to said institution for many years past; and

WHEREAS, under present conditions it is apparent that the continued operation of said farm is uneconomical and serves no useful purpose in the education of the students who attend said school; and

WHEREAS, in view of the foregoing facts the board of administration has recommended that said farming operations be discontinued at said school and the livestock and other personal property used in said farming operations be disposed of,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that the board of administration is hereby authorized to discontinue said farming operations at said North Dakota school for the deaf and to dispose of the livestock and other personal property used in said farming operations and not otherwise needed for the use of said school.

Filed March 5, 1953.

SENATE RESOLUTION No. 5
(Stucke, Streibel, Dewing, Day, Page, Nordhougen, Haag,)
(Pyle and Olson)

**REORGANIZATION OF MANAGEMENT OF THE
STATE HOSPITAL**

A resolution concerning the state hospital at Jamestown.

WHEREAS, R. H. Sherman, chairman of the board of administration and O. A. Braseth, F. A. Foley, Math Dahl, and M. F. Peterson, the other full time members of said board, concede that, though the physical needs of the patients at the Jamestown hospital are relatively well taken care of, the matter of treatment of the mentally ill is neglected because of lack of proper management, qualified personnel and special equipment;

WHEREAS, this condition has existed for several years in spite of special appropriations and in spite of the matter being called to the attention of the board by several investigating bodies; and though additional appropriations are needed, many changes have been recommended requiring no additional funds, which recommendations have not been followed;

WHEREAS, the need of the patients should be a consideration paramount to the personal feelings of anyone;

Now, THEREFORE, Be it resolved that R. H. Sherman, chairman of the board, and his associates take immediate action to reorganize the management of said institution and to place into effect such practices of treatment of the mentally ill at said hospital as may be instituted without new appropriations, pending further action by the legislature;

Be it further resolved that it is the sense of the senate that Dr. A. M. Fisher, now past 77 years of age, who has served many years at said hospital, through long and strenuous hours, to the best of his ability serving the state and the patients, and who this week has announced he will not seek re-appointment after next July 1st, and who has never had a vacation, be granted an immediate leave of absence with full pay to July 1, 1953.

Let a copy of this resolution be delivered forthwith to R. H. Sherman, chairman of the board of administration, and to O. A. Braseth, F. A. Foley, Math Dahl and M. F. Peterson members thereof.

Filed February 5, 1953.

HOUSE CONCURRENT RESOLUTION No. "F-1"
(Leet and Wolf)

INCREASE OF VIGILANCE AND EFFORTS IN
STATE TAX COLLECTIONS

A house concurrent resolution directing state departments to increase their vigilance and efforts in the collection of state taxes.

WHEREAS, there have been numerous statements upon the floor of the house and senate of the thirty-third legislative assembly, in reports of the legislative research committee and in the press that North Dakota is losing substantial tax revenue through the failure of the proper agencies of the state to collect the taxes due, and through the excessive refunds of taxes actually collected, and

WHEREAS, the smaller yield of certain taxes through inadequate administration and enforcement has seriously handicapped the financing of governmental activities at the state level,

Now, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the state treasurer, the state auditor, and the state tax commissioner, together with all licensing divisions increase their vigilance and efforts in the enforcement of existing taxes of the state and in the refunds of taxes collected and that all penalties provided for violation of our tax laws be invoked against all violators.

Filed March 9, 1953.

HOUSE CONCURRENT RESOLUTION "Q"
(Rohde, Mollet, Haugen, and Beede)

**SURVEYS OF TRACTS REMAINING WHEN GOVERNMENT
TAKES PARCELS DESCRIBED BY METES AND BOUNDS**

A concurrent resolution memorializing the congress of the United States to enact legislation requiring lands from which parcels described by metes and bounds have been condemned or purchased for dam construction to be surveyed and platted to determine descriptions and acreage of remaining tract.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

WHEREAS, the United States government has condemned or purchased numerous parcels of land in North Dakota for use in the construction of dams, which parcels are described by metes and bounds, without specifying the acreage taken, so that it is now impossible for a proper assessment to be made of such remaining tracts from which such parcels have been taken; and

WHEREAS, such remaining tracts must be resurveyed or accurately platted and the correct acreage determined; and

WHEREAS, it is deemed to be unfair to put the expense of such resurvey or platting upon the owners;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the congress of the United States be memorialized to enact necessary legislation to require the corps of engineers or other proper government agency to resurvey or accurately plat to determine the metes and bounds of such remaining tracts and correctly determine the acreage thereof, and to record such plats in the office of the register of deeds of the county wherein such tract lies, without cost or expense to the person owning the lands from which such parcels have been taken.

BE IT FURTHER RESOLVED: That the secretary of state be, and he is hereby instructed to send copies of this resolution properly authenticated to the presiding officer of each house of the national congress of the United States and to each of the United States senators and representatives from the state of North Dakota.

Filed March 7, 1953.

SENATE CONCURRENT RESOLUTION "S"
(Page and Johnson)

**FUNDS FOR RECONSTRUCTION, REEQUIPPING AND RESTOCK-
ING OF THE TAG AND SIGN PLANT AND CARPENTER
SHOP AT THE PENITENTIARY**

A concurrent resolution authorizing the board of administration or its successors to borrow funds from the Bank of North Dakota and use funds in the miscellaneous earnings fund of the sign and tag plant for the purpose of repair, improvement, reconstruction, reequipping and restocking the tag and sign plant and carpenter shop at the state penitentiary.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the board of administration or its successors is hereby authorized to borrow from the Bank of North Dakota, such sums as may be necessary to the extent of \$75,000.00 for the purpose of repair, improvement, and reconstruction of the tag and sign plant and carpenter shop at the state penitentiary, and the board of administration or its successors is further authorized to use such sums as may be necessary from the miscellaneous earnings fund of the tag and sign plant for the purpose of reequipping and restocking the tag and sign plant, and the carpenter shop.

Filed March 9, 1953.

SENATE CONCURRENT RESOLUTION "H"
(Foss, Geelan and Haag)

**QUARTERS FOR NORTH DAKOTA UNEMPLOYMENT
COMPENSATION DIVISION**

A concurrent resolution requesting the North Dakota unemployment compensation division to secure other quarters by July 1, 1954.

WHEREAS, the need for additional office space in the state capitol is acute, and

WHEREAS, the North Dakota unemployment compensation division has occupied the seventeenth floor of the state capitol for a number of years, and

WHEREAS, the local representatives of the North Dakota unemployment compensation division are aware of the crowded conditions existing in the state capitol, and

WHEREAS, adequate office space will be available to them in the city of Bismarck in the early fall of 1953,

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the North Dakota unemployment compensation division be requested to secure other quarters and their quarters in the state capitol be completely vacated by July 1, 1954.

BE IT FURTHER RESOLVED, that the secretary of state send a copy of this resolution to the director of the North Dakota unemployment compensation division, state capitol, Bismarck, North Dakota, and to the bureau of employment security, department of labor, Washington, D. C.

Filed March 6, 1953.

HOUSE CONCURRENT RESOLUTION "H"
(Erickson of Bottineau, Baker, and)
(Lindberg of Burke-Divide)

SPRAYING AND CONTROL OF SOW THISTLE AND OTHER
NOXIOUS WEEDS ON FEDERAL WILD LIFE REFUGES

A concurrent resolution providing for the spraying and control of sow thistle and other noxious weeds on federal wildlife refuges in the State of North Dakota:

WHEREAS, the uncontrolled growth of sow thistle and other noxious weeds constitute a grave menace to the people of North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That, the house of representatives and the senate concurring therein, request the federal fish and wildlife service, department of interior, and the eighty-third congress take measures to spray and control sow thistle and other noxious weeds on the following federal wildlife refuges in the state of North Dakota, which refuges were purchased or withdrawn from public lands: Arrowwood national wildlife refuge located in Foster and Stutsman counties; Des Lacs national wildlife refuge located in Burke and Ward counties; Lostwood national wildlife refuge, located in Burke and Mountrail counties; Long Lake national wildlife refuge located in Burleigh and Kidder coun-

ties; Lower Souris national wildlife refuge located in Bottineau and McHenry counties; Slade national wildlife refuge located in Kidder county; Sullys Hill national wildlife preserve located in Benson county, and Upper Souris national wildlife refuge located in Renville and Ward counties.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the federal fish and wildlife service, department of interior, and the eighty-third congress, and to Congressman Usher L. Burdick and Otto Krueger, and to Senators William Langer and Milton R. Young.

Filed March 6, 1953.

SENATE CONCURRENT RESOLUTION "J"

(Hagen, Solberg, Bilden, Olson, Dewing, Freed and Kamrath)

CONSTRUCTION AND NAMING YELLOWSTONE RIVER BRIDGE

A concurrent resolution relating to the construction and naming of the Yellowstone River bridge.

WHEREAS, the thirty-first legislative assembly of the state of North Dakota, 1949, enacted chapter 34 of the 1949 session laws which appropriated funds for and authorized the construction of a bridge across the Yellowstone River in McKenzie county, North Dakota, on highway number 23 in said McKenzie county, North Dakota, and

WHEREAS, said structure is designated as federal aid project number S-58 (2) with substructure plans ready for contract letting, and

WHEREAS, the federal bureau of public roads desires a name for such bridge,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That in memory of the late Senator Hjalmer Nelson and in recognition of his many years of service in the senate of the state of North Dakota from the forty-first district and his tireless efforts in the promotion of better roads and highways, the said bridge when completed shall be known as the Hjalmer Nelson Memorial Bridge, and that proper identification shall be affixed thereto,

BE IT FURTHER RESOLVED that properly authenticated copies of this resolution be transmitted by the secretary of state to the governor, the state highway commissioner, the bureau of public roads, and surviving members of the family of the late Senator Nelson.

Filed March 9, 1953.

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