

REPORT
of the
North Dakota
Legislative Research Committee

Pursuant to Chapter 54-35 of the 1949 Supplement
to the North Dakota Revised Code of 1943



Thirty-second Legislative Assembly
1951



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LETTER OF TRANSMITTAL

Honorable C. Norman Brunsdale
Governor of North Dakota

Pursuant to law I have the honor to transmit to you and to the Thirty-second Legislative Assembly the report and recommendations of our Committee.

Respectfully submitted,

North Dakota Legislative Research Committee

By: Carroll E. Day, Chairman

FUNCTIONS OF THE COMMITTEE

I. To Lighten the Work Load of Legislators.

The importance of this point is more apparent when you consider the increased work load of this legislature as compared to the legislative load prior to the turn of the century. At that time approximately \$200,000 was considered adequate to finance the state's functions including the institutions, for a biennium. The last session appropriated approximately \$82,000,000.00 for the same period. The burden of servicing this increased financial burden is very great. It is possible that appropriating forty times as much money does not entail forty times as much work, but it undoubtedly does require several times as many man hours to process the legislative requests currently required as were required for the same procedure fifty years ago.

We have to consider that the legislature of North Dakota is the board of directors for a state industrial empire:

1. The Bank of North Dakota
2. The State Mill and Elevator
3. The State Bonding Fund
4. The State Hail Insurance Department
5. The Fire and Tornado Fund

During the last half century in addition to the increased volume of appropriations the state has added dozens of new departments and services and boards and commissions until our eighteen-story capitol building is filled to overflowing with State and Federal offices. A new office building is being mentioned when it was once thought that we would never need all of the capitol building tower. This all results in increasing the burden upon legislators who must act as a supervising board of directors on all of these functions. The man hours required of the legislature is several times what was necessary when the legislative session was originally set at sixty days.

But the legislative sessions are still limited by our constitution to sixty days. We have no desire to lengthen the sessions, but if we do not, it is necessary that legislators be relieved of as much detail as possible so that their time may be devoted to the discussion of major policy decisions. They cannot be expected to spend too many of those precious sixty days on purely clerical matters.

The Committee provides a continuing research service to legislators. Whenever, between session, any member is confronted with an idea he may write the Director for information. It may be that the office already has assembled much information on the subject which of course is immediately made available. It may be that at some time or other a similar idea has brought forth a bill in a previous session. Its history is then available. It may be that there are already laws on the subject which can be supplied. If it is an entirely new idea the office may have time before the session begins to assemble data and prepare a bill for the legislator.

II. To Process Departmental Bills.

The Committee offers a continuing service to the departments which are the source of a large portion of the bills introduced in any session. Technical advice may be supplied whenever problems arise. Department bills may be prepared in proper form, properly correlated with existing laws and printed ready for introduction the moment the legislature convenes. They may then get prompt consideration by committees.

Previously bills from departments, often of a technical nature, were introduced so near the deadline for introduction of bills that no proper consideration could be given, and good legislation was killed or bad legislation passed too often. Hasty amendments usually make poor laws.

The experience of the Committee shows that a large percentage of bills departments present are withdrawn for various reasons after the director or the Committee calls attention to all possible consequences. Thus many proposals do not ripen into legislation that undoubtedly would materialize as bills under the old system.

The Committee has not, however, refused to introduce any department bill. The matter may be discussed freely and advice given, but the Committee has proceeded upon the theory that bills marked as introduced by the Committee at the request of a department are the responsibility of the department offering the bill, except that the Committee undertakes to process the bill and see that it is properly drawn according to the uniform rules adopted.

Thus department bills get more careful consideration during the session and legislators need not be bothered by department personnel except in discussions initiated by the legislators themselves.

III. Regional Meetings.

Regional meetings of the Committee have been had each time. This Committee has held three—one at Minot at the same time the State Bar Association met, one at Grand Forks and one at Fargo. These meetings have proved increasingly popular. They make it possible for people who cannot afford to make trips to Bismarck to present ideas and suggestions they have. It brings the government closer to the people.

At regional meetings other legislators in the immediate area are always invited to sit with the Committee so they may help guide the deliberations and get first hand reports on the progress of the Committee's work.

It is recommended that the next Committee continue to hold regional meetings, but they should all be held sufficiently in advance of the legislative session so that plenty of time may be available to study new problems presented.

Although the expense of attendance of members is negligible, the cost of regional meetings does not exceed the cost of meeting at Bismarck.

IV. Investigations.

There is never time enough available during the sixty day session of the legislature, in addition to other assignments, to carry on any complete investigation on any subject. This Committee provides a ready vehicle.

This is undoubtedly a function that will be used continually.

Currently the Committee was charged with the responsibility of making an investigation of automobile liability insurance. A detailed separate report on that subject has already been filed. This was the major Committee project and was done because required by a resolution adopted in the 1949 session.

The Committee was also charged with the responsibility of trying to get action by the Public Service Commission on the Northwestern Bell telephone rate case started as a result of a hearing had during the 1949 session before the Judiciary Committee. The Committee surrenders this project without having accomplished too much other than to keep the subject alive. Additional legislation in connection with this problem is being recommended.

V. Rules of Operation of Committee.

1. Whenever a bill is introduced marked "Introduced by the Legislative Research Committee" it means only that the Committee unanimously agrees that the bill has sufficient merit to justify introduction. It does not necessarily mean that all members will support it later.

2. When a bill is introduced by the Committee marked "at the request of _____" the Committee expresses no opinion with respect to it. The responsibility of introduction is that of the party named. However the Committee does represent:

- a. That the bill is in proper form;
- b. That it has removed any known "jokers";
- c. That it has consulted with the sponsor on the substance of the bill.

3. All bills requested by departments and legislators are processed, placed in proper form, and if not withdrawn are introduced pursuant to rule 2 above and printed in advance.

4. Any individual or group has a right to appear before the Committee either at Bismarck or at a regional meeting on any subject he desires to present.

5. Aside from instructions in the form of legislative resolutions the Committee reserves the right to decide what subjects will receive detailed consideration as special projects.

EXPLANATION OF BILLS

Senate Concurrent Resolution A. Relocation of School for the Blind.
Introduced by the Legislative Research Committee. A constitutional

amendment for this purpose passed both houses last session but failed at the election when submitted. Various reasons have been assigned for its failure. Some think its wording was confusing. It was submitted as an amendment of subdivision 2 of section 216 of Article XIX of the Constitution and read:

"2. The North Dakota school for the blind at such place within the state as shall be selected by the board of administration, with a grant of thirty-thousand acres."

Some wondered where the thirty thousand acres were going to come from. Consequently the wording of the present resolution has been changed so that no reference to the thirty thousand acres is required, and leaves section 216 amended by implication only.

The merits of the proposition were taken for granted and no effort was made to inform the voters of the need for moving the school. The resolution is being introduced so that proper publicity may be given.

The arguments for the amendment may be summarized as follows:

1. **Lack of Medical Facilities.** Bathgate does not have a medical doctor, dentist, or hospital. The nearest medical doctor is 12 miles; the nearest dentist, 12 miles; the nearest hospital 35 miles; and the nearest eye specialist, 78 miles. It is often difficult to bring pupils, employees, and teachers to doctors for medical attention on account of poor roads and bad weather conditions. If a doctor is needed in the night, the charge is \$20.00. During a school term a number of trips are made to Grand Forks to bring pupils to eye specialists. This is both costly and inconvenient.
2. **Travel Presents a Problem.** Bathgate is on a branch line of the Great Northern Railway Company. The trains runs 6 days a week, and the depot is open 5 days a week. The bus does not come to Bathgate. Often during the winter and spring months, the roads leading to Bathgate are not passable for long periods of time. Bathgate is not on a state highway.
3. **Lack of Conveniences and Entertainment.** It is very difficult to obtain teachers and help because Bathgate has nothing to offer in the nature of conveniences and entertainment. Bathgate has one grocery store, a lumber yard, two liquor stores, and two filling stations. One cannot buy clothing, shoes, drugs, and other necessities in Bathgate. The teachers and employees have to go out of town to purchase these items. They also have to travel 12 miles to see a movie.
4. **Lack of Skilled Services.** Bathgate does not have a plumber, electrician, or refrigerator man. This presents a problem in the maintenance of a building. It is costly to obtain these services because one has to secure them from out-of-town. Mileage is always charged. It is difficult to get skilled laborers to come to Bathgate to work.

5. **Poor Water Supply.** The obtaining of good water has always been a problem. The School for the Blind maintains its own water supply which comes from a source which is unsatisfactory. The School for the Blind and Board of Administration helps keep the Bathgate dam in repair—this is costly. Ice from the Tongue River is used for drinking water.
6. **Bathgate offers little in the way of fire protection.** This is a matter of great concern because the School for the Blind Main Building (where everyone lives) is not fireproof. The outside of the building is brick, but the rest of the building is of wood construction, with three open stairways.
7. **No Police Protection.** Bathgate does not have a police officer.
8. **Present Building Inadequate.** The School for the Blind as it now is does not have any playrooms for the pupils, nor recreation rooms for the teachers. Classrooms are inadequate.
9. **Roadways Hazardous.** The sidewalks and bridges of Bathgate are hazardous for the blind. In the winter time, most of the residents of Bathgate do not shovel their sidewalks and it is necessary for the blind to walk on the roads. In a larger city the sidewalks are passable. The town of Bathgate is rapidly becoming smaller. Bathgate has a population of about 150.
10. **Attendance Restricted by Present Location.** Many parents hesitate to send their children to the school because of lack of medical and other facilities and because the building is not fireproof as it should be to house blind persons.

Senate Bills 1—33 — Appropriations.

Senate Bill 34. Selection and Compensation of Legislative Officers and Employees. Introduced by the Legislative Research Committee. Removes the statutory limitation upon the compensation of officers and employees of the legislative assembly and clarifies the law in regard to the selection of officers and employees. The existing version of section 54-0308 apparently provides for the appointment of all officers and employees by joint resolution despite the constitutional requirements and the practice of electing officers in the respective houses. The suggested wording in regard to election of the president pro tem and the speaker is taken from sections 31 and 36 of the Constitution and the authorization for election or appointment of other officers and employees coincides with existing practice. It will be noted that the compensation limitations contained in section 54-0310 have been ignored in practice and if followed would result in the 1935 Legislative Assembly, the last session to act on this statute, controlling the activities of subsequent sessions. Authorization of use of concurrent resolutions in fixing compensation is added since in practice joint resolutions are not utilized for this purpose.

Senate Bill 35. Predatory Animal Control. Introduced at the request of the Commissioner of Agriculture and Labor. Mark D. Worces-

ter, Assistant District Agent, Branch of Predator and Rodent Control of the United States Department of the Interior, Fish and Wildlife Service, appeared before the Committee on behalf of this bill which would permit predatory animal control hunters and trappers to engage in the control of "injurious field rodents" in rural areas. It is reported to the Committee that no additional employees to conduct rodent control work would be needed and that the additional work, beneficial to farmers and ranchers, would be carried on without additional cost to the state or county. Obsolete appropriations are deleted in the proposed version and corrections in form and terminology include the substitution of "commissioner" for "department" for legally there is no Department of Agriculture and Labor. "May" is substituted for the mandatory "hereby authorized and directed" in connection with state cooperation with the federal agency.

Senate Bill 36. Nine Month School Term. Introduced at the request of the Superintendent of Public Instruction. Amends section 15-2509 and subsection 1 of section 15-2908, the only change being the increase of common and special school district school terms from eight to nine months.

Senate Bill 37. Sick Leave for Teachers. Introduced at the request of the Superintendent of Public Instruction. This bill which is similar to Senate Bill 48 of the 1949 Legislative Session would provide for sick leave for teachers in the public schools and state institutions, five days being allowed per year with a maximum accumulation of thirty days during service in any one school district or institution.

Senate Bill 38. County Court Miscellaneous Record Books. Introduced by the Legislative Research Committee. The judges of the county court of this state are required to keep safely all documents and other papers lawfully entrusted to him by virtue of his office. (Sec. 27-0736) He must keep a docket in which all papers in a case are described, and the dates filed or revoked. (Sec. 27-0730) He must also keep a docket in which there shall be entered the index or minutes of all proceedings in each case from the beginning and until the final disposition thereof. Such index or minutes shall include a brief statement of the object of each proceedings, a minute of the filing of each pleading or other paper, and of each preliminary act of the court. (Sec. 27-0729)

In addition thereto there is a case file in which is kept the original papers filed in each case. This file contains all the original papers, orders and decrees issued or filed in said case, including the administrator's or executor's receipts.

Section 27-0732, which this bill repeals, requires the county court to keep a record book in which shall be transcribed in full every order affecting a substantial right or directing the performance of a duty, and so forth. This procedure is expensive and unnecessary. It has cost the State of North Dakota over two million dollars since it was adopted in 1895. The books alone, in which the records are transcribed in longhand, cost many thousands of dollars each year. The clerk hire to transcribe these records in some counties exceeds \$300.00 a month. No attorney or

other person ever looks at these books—why should he when the original papers are available in the case file.

If any paper issued or filed in the county court is lost or destroyed the county judge has authority to substitute a copy thereof. (Sec. 27-0735)

All final decrees affecting real estate must be filed by the county judge in the office of the register of deeds within thirty days after the date issued. So there is no reason why they should be copied in longhand in the office of the county court, especially in view of the fact that the original papers may always be examined. Litigation in the district court is generally far more important than in the county court, yet records are not copied in longhand since the original papers are available.

The repeal of this section will not prevent the county judges from copying such papers as they, for special reasons, deem advisable.

Senate Bill 39. Uniform Recognition of Divorce Act. Introduced by the Legislative Research Committee. This Act was developed by the National Conference of Commissioners on Uniform State Laws as a result of the concern felt as to the effect of the decisions of the United States Supreme Court in the Williams Cases. In effect, the holding in these cases is that a state in which one of the parties of a marriage has achieved a bona fide domicile acquires jurisdiction to affect the status of that party by a decree of divorce or annulment of marriage but that a state may decline to recognize a decree of divorce obtained by one of its domiciled citizens in a court of another jurisdiction. The need for a definite enunciation by the states of the conditions under which they will recognize foreign divorces led to the present proposal which is based on the proposition that a state constitutionally may insist that the marital status of its domiciliaries shall be determined by its law as applied by its court. Accordingly the first section of the Act enunciates the principle that a foreign divorce or annulment decree affecting parties both domiciled in this state shall be of no effect.

The problem of the "tourist divorce", based on six weeks residence in a tourist camp, is approached through the method of statutory presumption. If one domiciled within the state leaves and obtains a decree in another jurisdiction less than twelve months after his departure and resumes residence within the state within six months after obtaining the decree, this is made prima facie evidence that he had not abandoned his domicile prior to the decree.

Senate Bill 40. Uniform Reciprocal Enforcement of Support Act. Introduced by the Legislative Research Committee. Until recently, there was no effective civil remedy to enforce support of abandoned wives or children where the husband or father absconded to another state. The only legal solution in such cases was a criminal process which was usually impractical because of expensive extradition costs, the limited nature of the criminal statute, and the fact that arrest destroyed the source of earning power.

In an attempt to combat this problem, the state of New York in 1948 enacted legislation conferring additional jurisdiction and powers upon courts in support proceedings against persons residing in other states having substantially similar laws. The National Conference of Commissioners on Uniform State Laws and the Council of State Governments cooperated in developing and sponsoring an improved version based on the New York Act and at least thirteen states have now enacted statutes on this subject, making it possible for the civil obligation of support to be enforced by a simple two-state procedure and with a minimum of expense to the family or the state. This procedure is set out in sections 9 to 17 which, in brief, provide for the commencement of an action in the initiating state (the state in which dependents have been deserted), certification to the responding state (the state in which the deserting person is found) if the court finds that a duty of support exists, a hearing and order by the court of the responding state after jurisdiction has been obtained, enforcement of the order by the responding state, and transmittal of support payments so obtained to the court of the initiating state. This procedure is available to the state or political subdivision seeking reimbursement for support furnished, as well as to the deserted dependents.

Section five provides for resort to extradition, free of the requirement that the person whose surrender is demanded must have been in the demanding state at the time of the commission of the act, but subject to the limitation presented by section 6 which offers relief from extradition upon compliance with the support orders. The enforceable duties of support remain unchanged as now existing in the individual states.

It is felt that enactment of this legislation will enable States to deal with non-support cases more effectively; will eliminate many demands upon foster homes, nurseries and other institutions; and will result in saving through the elimination of many existing public assistance expenditures.

Senate Bill 41. Compensation of Insanity Board Members. Introduced by the Legislative Research Committee. The salary of the insanity board members except that of the county judge and the states attorney while acting as chairman of the board; if he is already a member thereof, is allowed \$5.00 per day for the time actually employed in the duties of his office.

There is a \$5.00 extra charge for the doctor if he examines the patient, thus allowing \$10.00 to the doctor and only \$5.00 to the attorney. Both the doctor and the attorney should receive the same compensation and this bill raises the compensation for both members to \$10.00 per day.

Senate Bill 42. Service of Process on Motor Vehicle Users. Introduced by the Legislative Research Committee. Since 1935 the use of the highways by a nonresident motorist has constituted an appointment of the insurance commissioner as agent for the acceptance of service in any action resulting, but no similar provision has been applied to resident

motorists who leave the state following an accident. The proposed amendment to section 28-0611 would extend this method of service to residents who are absent from the state for six months continuously following an accident. Section 28-0612 provides for notice to the defendant by registered mail addressed to the last known address but this may be ineffective in practice. In many cases today a certificate of insurance coverage will have been filed under the safety responsibility law and it is therefore suggested, as a practical means of affording the defendant an opportunity of entering a defense, that notice be furnished to the insurance company also. If provision for such notice is incorporated into section 28-0613, administration would be facilitated by substituting the highway commissioner for the insurance commissioner as the recipient of service.

Senate Bill 43. Water Pollution Control. Introduced at the request of the State Health Department. Strengthening and unifying the laws governing water pollution control is proposed in this bill, the present statutes providing for specific types and cases of control but not a comprehensive plan. A permit system for the construction, extension or modification of waste disposal systems by any municipality or industry is the major addition to the existing law. Administration would be in the state department of health, rules and regulations being prescribed by the state health council with the approval of the state water conservation commission and standards of quality and purity of water being determined by the department in cooperation with the game and fish commissioner.

Senate Bill 44. Motor Vehicle Title Transfers. Introduced at the request of the Motor Vehicle Department. The proposed amendment of section 39-0517 and repeal of 39-0518 would require title transfers to be reported in all instances, abolishing the present exception of cases where title is transferred to a dealer who holds the vehicle for resale.

Senate Bill 45. Repeal of Restrictions on Use of Vehicle When Title Is Transferred by Operation of Law. Introduced at the request of the Motor Vehicle Department. Section 39-0464 came into the North Dakota laws by mistake in 1927. It has never belonged in the North Dakota system and, of course, is not enforced. It provides that if the owner of a vehicle dies the vehicle cannot be used on the highways of the state, other than for transfer to a place of storage and under a special permit, until a new license registration is obtained. It is an alternative section of the uniform motor vehicle code intended for use in states where the license plate is personal to the owner of the vehicle and a new license is required following any transfer.

Senate Bill 46. Motor Vehicle Lamps and Devices. Introduced at the request of the Motor Vehicle Department. Recently it has been suggested in several quarters that the use of signal lamps is illegal in this state. Section 39-1014, which requires the standard hand signals or the use of "an approved signal device", is the usual statute in force in most states and is based on the uniform motor vehicle code. In itself this section presents no complications but the sections of chapter 39-11 perhaps im-

pose obsolete and unnecessarily restrictive specifications and requirements. The right of some state agency to disapprove motor vehicle devices is essential but the standards and procedure should be simple and not unduly detailed or cumbersome in order that adaption to changing conditions may be possible. Specifications and test reports equivalent to those required by sections 39-1115 and 39-1116 to be obtained under individual tests are, of course, available for all standard devices at the time they are submitted for approval. The proposed amendment of sections 39-1113, 39-1114 and 39-1115 and the repeal of 39-1116 would permit the registrar to establish the approval procedure and the repeal of section 39-1110 would remove the obsolete standards for signal lamps which were based on the older stop signal type. In establishing standards and procedure the registrar would be subject to the administrative practice act, chapter 28-32, and such regulations of general application would be submitted to the attorney general and filed in the office of the clerk of court in each county. It is not suggested, at the present time, that the use of signal devices be made mandatory.

Senate Bill 47. Licensing and Registration of House Trailers Used On Highways. Introduced at the request of the Motor Vehicle Department. The proposed amendments of sections 39-0439 and 39-0529 would authorize title registration of house trailers on the same basis as is now used in the case of license plate registration and would increase the fee from the present five dollars to one dollar per foot plus one dollar for the title registration certificate. These sections apply only to house trailers hauled on the highways, others being subject to local assessment.

Senate Bill 48. Maximum Value of Public Contracts That May Be Undertaken Without Contractors License. Introduced at the request of the Board of Administration and the Board of Higher Education. The proposed amendment of section 43-0708 would permit public contracts of up to twenty-five thousand dollars to be undertaken without the contractor being required to procure a public contractors license. The present maximum value of projects that may be undertaken without such license is two thousand dollars and the change would permit companies, within or without the state, to undertake occasional and relatively small public contracts even though such companies are not primarily engaged in the construction of public works. Only a clarifying change to indicate that the limit of one thousand dollars applies to the value of the subcontract and not to the total project is made in regard to subcontractors. It will be noted that the classes of contractors licenses provided in section 43-0705 include a class D license which permits undertaking of projects the value of which do not exceed fifteen thousand dollars and that this would become a subcontractors license only.

Senate Bill 49. Correction of Duplicate Sections of the Municipal Bond Issue Law. Introduced by the Legislative Research Committee. Chapters 195 and 192 of the 1947 Session Laws both constitute amendments of section 21-0307. Chapter 192 was last in time of passage and in the present bill the material from chapter 195, modified to avoid im-

posing nonjudicial functions on the district court, appears in italics as an insertion. The bill is presented only to obtain reconsideration and agreement upon one form and no recommendation is made as to what should be the final content of section 21-0307.

Senate Bill 50. Insanity As Grounds For Divorce. Introduced by the Legislative Research Committee. The proposed amendment of subsection 7 of section 14-0503 reduces from five to two years the period for which a person must be confined to an institution before a divorce may be granted and makes other changes as to form only.

The Committee is advised that medical science has now progressed to the point that it is possible to tell within about one year whether or not a person is incurably insane. Under the present law there are cases where insanity of one of the parents, where there are small children, prevents marriage for too long a period during which the children grow up without one parent. This amendment would permit a more normal adjustment to be made within a shorter period of time with less injury to the children.

Senate Bill 51. Jurors Not To Be Excused By Disqualified Judge. Introduced by the Legislative Research Committee. This bill repeals section 28-1307 of the title Judicial Procedure, Civil and section 29-1518 of the title Judicial Procedure, Criminal. These two sections prohibit a judge against whom an affidavit of prejudice has been filed from excusing any jurors. It is felt that no good purpose is served by continuing these restrictions upon the presiding judge, in that such judge very likely has other cases to try during the same term, and persons entitled to be excused should not have to wait until the substituting judge has been appointed and is presiding.

Senate Bill 52. Valuation of Property of Telephone Companies. Introduced by the Legislative Research Committee. Provides that where a telephone company wishes to include, for rate making purposes, property purchased from or labor supplied by a firm or corporation owned or controlled by the telephone company the books of such owned or controlled company shall be available to the public service commission. The theory upon which this legislation is proposed is that it will preclude the possibility of exorbitant prices being charged by the owned or controlled company for the purpose of increasing the valuation of the property of the telephone company and hence the rates which may be allowed as a fair return on such property. The particular company in mind is Western Electric as supplier for Northwestern Bell Telephone Company.

Senate Bill 53. Retirement of Public Employees. Introduced at the request of the Unemployment Compensation Division. Provides for increased benefits under the state retirement plan, and for a reduction, as compared with the primary insurance benefits, of the lump sum benefit payable when there is no qualified beneficiary.

Senate Bill 54. Service of Notice of Expiration of Period of Redemption from Tax Sales. Introduced by the Legislative Research Commit-

tee. Changes the requirement that notice be served upon the person in possession to the requirement that the notice be served upon persons actually residing on the property and also upon the person shown by the records of the register of deeds to be entitled to the possession thereof. This clarifies the law in that it is often difficult to decide, where no one is actually residing on property, just who is in possession or entitled thereto.

Senate Bill 55. Persons Covered by Workmens' Compensation Injured Through Negligence of a Third Party. Introduced at the request of the Workmens' Compensation Bureau. This bill amends section 65-0109 and provides that where the Workmens' Compensation Bureau has paid compensation to a covered person who has been injured through the negligence of a third person the bureau, upon ninety days notice to the injured person, if such injured person has not brought an action against the third person, shall be entitled to bring such action for the recovery of the amount paid out by the bureau as a result of such injury. The bill also provides that the injured person may waive the required notice and the bureau may then proceed at once to bring suit for the collection of such damages.

Senate Bill 56. Recovery by the Public Welfare Board of Assistance Furnished Old Age Persons. Introduced at the request of the Public Welfare Board. The purpose of this bill is to amend the old age assistance law sections 50-0707 and 50-0734 so as to provide that property owned by the spouse of a recipient of old age assistance will be subject to the same limitations as property owned by the recipient. It also provides that any assistance granted to a recipient shall be a lien against the property owned by the recipient or spouse and that the statute of limitations shall not operate against a state claim for repayment of assistance.

Senate Bill 57. Aid to Permanently and Totally Disabled Persons. Introduced at the request of the Public Welfare Board. This is a new category of public assistance entitled "Aid to the permanently and totally disabled." It follows an act of Congress under which the federal government shares the cost of furnishing such aid with the state and county, the responsibility previously having been on the county alone. The program is now in effect by agreement, this being permissible under the federal act until the meeting of the legislative assembly.

Senate Bill 58. Support of Stepchildren. Introduced at the request of the Public Welfare Board. The purpose of this bill is to amend the existing section 14-0909 to make it mandatory that when a man marries a woman with children by a former husband he is bound to support such children. Under the existing statute he is not bound to support such children unless he takes them into his home and supports them. When he does not elect to support such children they, in the absence of other resources, become public charges and are the responsibility of the ADC program.

Senate Bill 59. Cooperation Between State and County in Public Welfare Programs. Introduced at the request of the Public Welfare

Board. Amends sections 50-0101 and 50-0109. The purpose of this bill is to make the rules and regulations of the Public Welfare Board binding upon the welfare boards of the counties. If any county welfare board should decide it did not wish to participate in any particular program it would mean that the whole state would be out of conformity with the federal social security act and the state could receive no federal funds for that program.

Senate Bill 60. Warrants for the Expenditures and Payrolls of Institutions Controlled by the State Board of Administration. Introduced at the request of the State Board of Administration. This bill amends section 54-2341 to provide that a single warrant may be issued for the expenditures and payrolls of the various institutions. At present the payroll is payable by a single warrant, but all other individual claims require separate warrants. The suggested system is now in effect for the institutions under the control of the Board of Higher Education and makes savings possible through taking advantage of discounts for prompt payment.

Senate Bill 61. Registration of Voters. Introduced by the Legislative Research Committee. Amends section 40-2110 by providing that registration of voters in municipal elections is permissive rather than mandatory and repeals chapter 16-02, which requires the registration of voters in municipalities having a population of fifteen hundred or more for municipal and general, but not primary elections. The present system is cumbersome and of limited effect since it does not apply to primary elections, usually the most important elections in this state. The 1947 amendment to section 40-2110 which authorizes central registration presumably applies only to municipal elections and is of doubtful legality in that it grants power to the governing body to supercede the provisions of chapter 16-02.

Senate Bill 62. Federal Aid in Fish Restoration and Management Projects. Introduced at the request of the Game and Fish Department. This bill provides enabling legislation whereby the state may take advantage of the federal aid provided for fish restoration and management projects. Earmarking of moneys received for fishing licenses is the present state practice but a definite statement to this effect is required if the state is to take advantage of the federal act.

Senate Bill 63. Destruction or Removal of Birds and Animals by the State Game and Fish Commissioner. Introduced at the request of the Game and Fish Department. This bill amends section 20-0205(4) and permits the game and fish commissioner to remove or destroy wounded birds or animals or birds or animals whose destruction or removal is necessary to efficient game management. This would allow the game and fish commissioner, in areas where birds or animals have become overpopulous, to remove or destroy the excess.

Senate Bill 64. State Printing. Introduced by the Legislative Research Committee. At present, the printing of the state is divided

into five classes, the first four of which are let in separate contracts under competitive bidding. The fifth, the general catch-all class, was at one time also let under competitive bidding but since 1935 has been let in individual jobs by the department heads, the price being subject to approval by the state printer and not to exceed that established by the Franklin Printing Catalogue.

The first two classes are legislative printing, the first being "the printing of bills, resolutions, and other documents for the use of and incident to the legislative assembly," and including in practice not only bills, resolutions and calendars but also letterheads and envelopes, roll-calls, name cards, blank books for the Governor's office, blank books for the office of the Secretary of State, and the Governor's message. The second is, the printing and binding of the legislative journals, and is the one clear and unmistakable division.

The identification of the third class, "the printing and binding of the executive and public documents and reports," would appear to limit this class to the reports and documents which are first printed in pamphlet form and then bound into permanent volumes (section 46-0302). It is obvious that such material must be let in one contract. In practice, however, class three contains three subdivisions: the executive and public documents and reports, the state publicity pamphlet, and all **stitched or stapled** material not included in classes one, two or four, or in the other subdivisions of class three. A few exceptions are made, including the pamphlet of printing specifications which is handled as fifth class printing despite the insertion of staples.

No statutory authorization exists, of course, for the subdivision of class three and all are awarded under one contract. The publicity pamphlet, originally not included in any class despite the reference to "all other printing" appearing in the identification of class five, became a subdivision of class three as early as 1929 without any change in the laws, but the third subdivision was not added to class three until after the abolition in 1935 of the fifth class contract. As with the previous fifth class, the third class became so large that few printers could enter into competition for the contract and even the successful bidder necessarily sublet portions of the work. In effect, the state abdicated and the holder of the contract distributed this portion of the state printing.

The fourth class, the printing and binding of the laws, is relatively clear although some question may exist as to departmental publication of laws relating to particular subjects, particularly when publication is possible from the same type used in the general publication. The inclusion of resolutions also might be clarified.

The fifth class is identified as "the printing of all blanks, circulars, and other miscellaneous job work necessary for the use of the executive departments, other than such as are printed in pamphlet form and not entered into the volumes of executive documents, and all printing not

included in the foregoing classes". A literal reading of this section, which has been continued unchanged since 1890, would exclude from the fifth class those pamphlets which are not included in the executive documents (third class) and include those in the third class, but the final phrase would again include all printing, pamphlet or otherwise, that is not a part of the first four classes. Apparently the word "not" in the phrase "not entered into the volumes of executive documents" crept into the statutes by error sixty years ago and that fact that this subsection is incomprehensible today is the occasion for the inclusion of all stitched or stapled material in class three.

In 1949, the last legislative year, expenditures under contracts let by competitive bidding totaled \$138,346.16. Legislative printing including both first and second classes, totaled \$39,651.82, publication of the laws totaled \$12,600.68, and \$86,093.66 was expended for third class printing. Expenditures for jobs let directly by department heads but at a price not in excess of that provided for in the Franklin Catalogue as determined by the state printer (fifth class) amounted to \$171,713.13. But printing let under contracts and competitive bidding may be awarded at a price in excess of the Franklin list and administrative holdings have required fifth class printing to be at the Franklin price which thus constitutes both a minimum and a maximum price for this class of printing.

Sections pertaining to the number of copies of the various publications and their distribution are also touched upon and include items such as the required purchase of laws by every township of the state, the distribution of the statutes to the members of the legislature, which legally cannot be made before the opening of the session, and the requirement that the members return such volumes ten days before the end of their elective terms.

46-0202. Union Label. To require union label on the publicity pamphlet which has been made a separate class;

46-0204. Classes. To make the publicity pamphlet the new class five, deletion of the word "not" from the old class five, miscellaneous printing, which now becomes class six, and limitation of maximum contract price to that of the Franklin Catalogue;

46-0205. Bids. Addition of class five to section requiring bids, and clarification of the fact that the classes are let separately;

46-0206. Award of Bids. Change "reservations of section 46-0207" to "provisions of this title" as regards awards to lowest bidder to include other requirements such as Union Label, preference to state printers, and price limitations to that of the Franklin list;

46-0207. Bonds. Proposals to be addressed to secretary of the commission instead of secretary of state and the elimination of requirement that personal sureties be secured and requiring a bond

to be submitted for each contract awarded instead of only one bond for all contracts awarded to one bidder;

46-0209. Miscellaneous Printing. Insertion of statements intended to make it clear that the Franklin price is the maximum price and that a lower one may be accepted on class six printing (previously class five);

46-0213. Payment. Insertion of statement that accounts are to be paid from the appropriate fund, the present statute being based on the practice of years ago of making all printing appropriations to the commission;

46-0301. Governor's Message. Removal of requirement, which is never followed, that twenty-five hundred copies be produced;

46-0302. Executive Documents. Clarification, elimination of inadequate allowance of one dollar for reimposition, elimination of obsolete authority of commission to determine number and manner of pamphlet publication and to permit the department concerned to determine the number of volumes and style of binding, the present statutory provisions being outdated and not followed;

46-0303. Number of Departmental Reports; Repeal. The numbers of such reports are now determined by the needs of the department, within the limits of the appropriations available;

46-0304. Blue Book; Repeal. The Blue Book is not included within any of the classes of printing and each publication is the result of special legislative authorization and under a special contract;

46-0307. Journals. Numbers of bound journals to be determined by resolution;

46-0309. Number of Journals and Laws; Repeal. The section is inconsistent with other sections including 46-0307 and provides at times for an excessive publication;

46-0312, 46-0313, 46-0314. Manner of Publication of Laws; Repeal. These sections provide for more copies than are produced or required and are in part superceded by the 1947 amendment to section 46-0311. A 1937 amendment, intended to produce a cheap and rapid publication which would be edited, revised and authenticated, resulted in practice in the simultaneous publication of two almost identical volumes, only the authentication being deleted from one;

46-0315. Authentication. To require having only the word "approved" and the date in any certification of the laws, but not to prohibit a more complete certification;

46-0316. Style and Binding of Certain Reports; Repeal. To remove the present limitation on departmental printing;

46-0317. Authority to Increase Publication; Repeal. This section, granting power to increase but not to decrease the number of publications, is obsolete and unduly restrictive;

46-0401. Officers Entitled to Receive Laws. To modernize the distribution of the laws;

46-0403. Distribution. Provides for immediate distribution of laws to members of the legislature and for distributing of other current volumes upon demand;

46-0404. Return of Volumes. To provide for the return of laws by state officers;

46-0406. Distribution to Municipalities; Repeal. To remove the mandatory provision requiring laws to be purchased by cities, villages, and townships;

46-0409. Sale of Unauthenticated Edition; Repeal. This section is one of three separate provisions relating to sale;

46-0410. Exchange and Replacement of Volumes. To clarify the duties of the exchange board in accordance with the revision of section 46-0401;

46-0418. Sale of Statutes. This and section 46-0409 provide slightly different versions for sale of the volumes of laws. The provision in regard to the sale of the Code is found on page 13 of Volume I of the Code;

15-2116. School Code; Repeal. To remove the section requiring the publication of the school laws once every four years. The present section is not followed and could not be without legislative appropriation.

Senate Bill 65. Salaries and Expenses of District Court Reporters. Introduced by the Legislative Research Committee. This bill amends section 27-0602 by raising the salary of district court reporters from three thousand five hundred dollars to four thousand dollars.

Senate Bill 66. Fireworks. Introduced by the Legislative Research Committee. This bill amends section 23-1501 by removing the exclusion of "Chinesemade firecrackers of not more than 1½ inches in length and ¼ inch in outside diameter" from the definition of fireworks. The effect will be to bring such firecrackers within the provisions of chapter 23-15 restricting the sale and use of fireworks.

Senate Bill 67. Taxation. Introduced by the Legislative Research Committee. This bill amends section 57-4901 and increases to ten cents per acre the tax on mineral or oil rights which have been severed from the surface rights, where the development of such rights has not been undertaken either by mining or other operations, and also removes the loophole existing in the present statute which imposes the tax only when the reservation is made by deed conveying the surface rights.

Senate Bill 68. Reservation of Mineral Rights by the Counties. Introduced by the Legislative Research Committee. Repeals section 11-2704 which reserved fifty percent of all oil, natural gas, or minerals in lands sold by the counties, and which permitted the reservation of up to one hundred percent of such oil, natural gas, or minerals. This section has been held to be ineffective on purely technical grounds because of conflict with other sections. Such difficulty could be resolved and the practical consideration as to whether the reservation should be made is of more importance.

Senate Bill 69. Accountants. Introduced by the Legislative Research Committee. This bill amends sections 43-0209(2), 43-0210(2) and 32-0214. It changes the designation of an examination subject from "practical auditing" to "accounting practice", requires residence in North Dakota for one year prior to applying for the examination for certified public accountant, and raises the fee for taking such examination from twenty-five dollars to thirty-five dollars. In addition the bill provides for reexamination in failed subjects by paying an additional fee. This bill was requested by the state board so that they could comply with the changes made by their national board which prepares examinations for applicants, corrects, and grades the papers.

Senate Bill 70. Reserve Requirements for Banking Associations. Introduced at the request of the State Examiner. Amends section 6-0337 by reducing the amount of money required to be on hand in banking associations from ten percent of demand deposits and five percent of time deposits to seven and three percent respectively and removes the limitations on the State Examiner whenever he finds it necessary to raise such requirements.

Senate Bill 71. Legislative Apportionment. Introduced by the Legislative Research Committee. Section 35 of the Constitution provides that the Legislative Assembly, after each state or federal census, shall reapportion the state into senatorial districts and fix the number of representatives to be elected from each district. The last reapportionment however occurred in 1931. While the constitutional provision is not mandatory in the sense that changes must be made, the legislature presumably will want to consider the subject and the following information is therefore submitted:

Constitutional provisions: Number of senators 30 to 50. Number of representatives 60 to 140. Districts shall be as nearly equal as may be. Each district shall have one senator and shall be composed of "compact and contiguous territory." No part of a county may be attached to another county or part (entire counties may be joined to form districts and a county itself may be divided to form two or more districts).

Physical considerations: 116 seats are presently available in the House chambers. The wall display of the House voting machine has 120 places. The Senate side has 52 seats and voting machine places.

PRESENT APPORTIONMENT

	Population	District	County	Repre- sentatives	Population Per Repre- sentative	Rank—Popula- tion Per Rep- resentative
1	25,252	27th	Burleigh	3	8,417	4
2	24,039	23rd	Stutsman	4	6,009	17
3	19,327 (ave.)	9th	Cass	5	6,442 (ave.)	9
4	(57,981)	10th		2		
5		11th				
6	19,242	30th	Morton	3	6,414	12
7	18,965	48th	Mercer	8,676 3,077 7,212	3	6,321
			Oliver			
			Dunn			
8	18,770	46th	McLean	3	6,256	16
9	17,315 (ave.)	2nd	Ward	1	6,926 (ave.)	7
10	(34,631)	29th		4		
11	16,373	45th	Williams			
12	16,121	31st	Stark	3	5,457	21
13	14,334	21st	Ramsey	3	5,373	24
14	13,936	36th	Logan	6,345 7,591	3	4,778
			McIntosh			
15	13,842	1st	Pembina	3	4,614	36
16	13,063 (ave.)	5th	Grand Forks	1	13,063 (ave.)	1
17	(39,190)	6th		1		
18		7th				
19	12,574	40th	Burke	6,597 5,977	3	4,191
			Divide			
20	12,556	34th	McHenry	3	4,185	40
21	12,091	28th	Bottineau	3	4,030	43
22	11,970	49th	Hettinger	7,079 4,891	2	5,985
			Adams			
23	11,693	18th	Cavalier	3	3,897	44
24	11,563	39th	Golden Valley	3,487 1,769 2,308 3,999	3	3,854
			Billings			
			Slope			
			Bowman			
25	11,380	35th	Kidder	6,154 5,226	2	5,690
			Sheridan			
26	11,330	8th	Traill	3	3,776	47
27	11,094	19th	Rolette	2	5,547	20
28	10,820	16th	Grant	7,109 3,711	2	5,410
			Sioux			
29	10,662	32nd	Eddy	5,361 5,301	2	5,330
			Foster			
30	10,618	20th	Benson	2	5,309	26
31	10,545	16th	Griggs	5,414 5,131	3	3,515
			Steele			
32	10,384	33rd	Wells	2	5,192	28

PRESENT APPORTIONMENT—(Continued)

	Population	District	County	Repre- sentatives	Population Per Repre- sentative	Rank—Popula- tion Per Rep- resentative
33	9,869 (ave.)	12th	Richland	2	4,934 (ave.)	29
34	(19,738)	37th		2		
35	9,694	26th	Emmons	2		
36	9,471	24th	LaMoure	2		
37	9,400 (ave.)	3rd	Walsh	2	6,267 (ave.)	14
38	(18,801)	4th		1		
39	9,399	44th	Mountrail	2		
40	9,066	25th	Dickey	2	4,699	34
41	8,838	14th	Ransom	2	4,533	37
42	8,411 (ave.)	15th	Barnes	1	8,411 (ave.)	5
43	(16,822)	38th		1		
44	8,259	42nd	Pierce	2	4,129	41
45	8,065	17th	Nelson	2	4,032	42
46	7,568	13th	Sargent	2	3,784	46
47	6,840	41st	McKenzie	2	3,420	48
48	6,329	22nd	Towner	2	3,164	49
49	5,388	43rd	Renville	1	5,388	23

PRESENT APPORTIONMENT—HOUSE

	Population	District	County	Rank—Popu- lation Per Senator
1	13,063 (average)	5th	Grand Forks	16
2		6th		
3		7th		
4	8,417	27th	Burleigh	1
5	8,411 (average)	15th	Barnes	42
6		38th		
7	6,926 (average)	2nd	Ward	9
8		29th		
9	6,442 (average)	9th	Cass	3
10		10th		
11		11th		
12	6,414	30th	Morton	6
13	6,321	48th	Mercer Oliver Dunn	7
14	6,267	3rd	Walsh	37
15		4th		
16	6,256	46th	McLean	8
17	6,009	23rd	Stutsman	2
18	5,985	49th	Hettinger Adams	22

PRESENT APPORTIONMENT—HOUSE—(Continued)

	Population	District	County	Rank—Popu- lation Per Senator
19	5,690	35th	Kidder Sheridan	25
20	5,547	19th	Rolette	27
21	5,457	45th	Williams	11
22	5,410	16th	Grant Sioux	28
23	5,388	43rd	Renville	49
24	5,373	31st	Stark	12
25	5,330	32nd	Eddy Foster	29
26	5,309	20th	Benson	30
27	5,192	33rd	Wells	32
28	4,934	12th	Richland	33
29		37th		
30	4,847	26th	Emmons	35
31	4,778	21st	Ramsey	13
32	4,735	24th	LaMoure	36
33	4,699	44th	Mountrail	39
34	4,645	36th	Logan McIntosh	14
35	4,614	1st	Pembina	15
36	4,533	25th	Dickey	40
37	4,419	14th	Ransom	41
38	4,191	40th	Burke Divide	19
39	4,185	34th	McHenry	20
40	4,129	42nd	Pierce	44
41	4,032	17th	Nelson	45
42	4,030	28th	Bottineau	21
43	3,897	18th	Cavalier	23
44	3,854	37th	Golden Valley Billings Slope Bowman	24
45	3,784	13th	Sargent	46
46	3,776	8th	Traill	26
47	3,515	16th	Griggs Steele	31
48	3,420	41st	McKenzie	47
49	3,164	22nd	Towner	48

PRESENT APPORTIONMENT—COMBINED

	County	District	Population Per Legislator (Senate and House Combined)
1	Grand Forks	5th	
2	.....	6th	6,531 Average
3	.....	7th	
4	Burleigh	27th	6,313
5	Ward	2nd	4,947 Average
6	.....	29th	
7	.....	9th	
8	Cass	10th	4,831
9	.....	11th	
10	Morton	30th	4,810
11	Stutsman	23rd	4,807
12	Mercer, Oliver, Dunn	48th	4,741
13	McLean	46th	4,692
14	Barnes	15th	4,205 Average
15	.....	38th	
16	Williams	45th	4,093
17	Stark	31st	4,030
18	Hettinger, Adams	49th	3,990
19	Kidder, Sheridan	35th	3,793
20	Walsh	3rd	3,760 Average
21	.....	4th	
22	Rolette	19th	3,698
23	Grant, Sioux	47th	3,606
24	Ramsey	21st	3,583
25	Eddy, Foster	32nd	3,554
26	Benson	20th	3,539
27	Logan, McIntosh	36th	3,484
28	Wells	33rd	3,461
29	Pembina	1st	3,460
30	Richland	12th	3,289 Average
31	.....	37th	
32	Emmons	26th	3,231
33	LaMoure	24th	3,157
34	Burke, Divide	40th	3,143
35	McHenry	34th	3,139
36	Mountrail	44th	3,133
37	Bottineau	28th	3,022
38	Dickey	25th	3,022
39	Ransom	14th	2,946
40	Cavalier	18th	2,923
41	Golden Valley, Billings, Slope, Bowman ..	39th	2,890
42	Trail	8th	2,832
43	Pierce	42nd	2,753
44	Renville	43rd	2,694
45	Nelson	17th	2,688
46	Griggs, Steele	16th	2,636
47	Sargent	13th	2,522
48	McKenzie	41st	2,280
49	Towner	22nd	2,109

APPORTIONMENT UNDER SENATE BILL 71

	Population	District	County	Repre- sentatives	Population Per Representative	Rank Population Per Representative	
1	25,252	27th	Burleigh	4	6,313	10	
2	24,039	23rd	Stutsman	5	6,009	15	
3	19,242	30th	Morton	3	6,414	8	
4	18,770	46th	McLean	4	4,692	40	
5	17,315 (ave.)	2nd	Ward	1	5,771 (ave.)	23	
6	(34,631)	29th		5			
7	16,822	38th	Barnes	3	5,607	27	
8	16,373	45th	Williams	3	5,457	29	
9	16,121	31st	Stark	3	5,373	32	
10	14,495 (ave.)	9th	Cass	3	5,798 (ave.)	19	
11	(57,981)	10th		2			
12		11th		2			
13		15th		3			
14	14,334	21st	Ramsey	3	4,778	37	
15	14,052	41st	McKenzie Dunn	6,840 7,212	3	4,684	41
16	13,936	36th	Logan McIntosh	6,345 7,591	3	4,645	42
17	13,842	1st	Pembina	2	6,921	5	
18	13,063 (ave.)	5th	Grand Forks	1	7,838 (ave.)	1	
19	(39,190)	6th		2			
20		7th		2			
21	12,574	40th	Burke Divide	6,597 5,977	3	4,191	45
22	12,556	34th	McHenry	2	6,278	11	
23	12,091	28th	Bottineau	2	6,045	14	
24	11,970	49th	Hettinger Adams	7,079 4,891	2	5,985	16
25	11,753	48th	Mercer Oliver	8,676 3,077	2	5,876	17
26	11,693	18th	Cavalier	2	5,846	18	
27	11,563	39th	Golden Valley Billings Slope Bowman	3,487 1,769 2,308 3,999	3	3,854	48
28	11,380	35th	Kidder Sheridan	6,154 5,226	2	5,690	25
29	11,330	8th	Traill	2	5,665	26	
30	11,094	19th	Rolette	2	5,547	28	
31	10,820	16th	Grant Sioux	7,109 3,711	2	5,410	30
32	10,662	32nd	Eddy Foster	5,361 5,301	2	5,330	33

APPORTIONMENT UNDER SENATE BILL 71—(Continued)

	Population	District	County	Repre- sentatives	Population Per Representative	Rank Population Per Representative
33	10,618	20th	Benson	2	5,309	34
34	10,545	16th	Griggs Steele	5,414 5,131	3	49
35	10,384	33rd	Wells	2	5,192	35
36	9,869 (ave.)	12th	Richland	1	6,579 (ave.)	6
37	(19,738)	37th		2		
				2		
38	9,694	26th	Emmons	2	4,847	36
39	9,471	24th	LaMoure	2	4,735	38
40	9,400 (ave.)	3rd	Walsh	2	6,267 (ave.)	12
41	(18,801)	4th		1		
				2		
42	9,399	44th	Mountrail	2	4,699	39
43	9,066	25th	Dickey	2	4,533	43
44	8,838	14th	Ransom	2	4,419	44
45	8,259	42nd	Pierce	2	4,129	46
46	8,065	17th	Nelson	2	4,032	47
47	7,568	13th	Sargent	1	7,568	4
48	6,329	22nd	Towner	1	6,329	9
49	5,388	43rd	Renville	1	5,388	31

APPORTIONMENT UNDER SENATE BILL 71, HOUSE

	County	District	Repre- sentative	Population Per Representative
1	Grand Forks	5th	1	7,838
2		6th	2 (+1)	
3		7th	2 (+1)	
4	Sargent	13th	1 (-1)	7,568
5	Pembina	1st	2 (-1)	6,921
6	Richland	12th	1 (-1)	6,579
7		37th	2	
8	Morton	30th	3	6,414
9	Towner	22nd	1 (-1)	6,329
10	Burleigh	27th	4 (+1)	6,313
11	McHenry	34th	2 (-1)	6,278
12	Walsh	3rd	2	6,267
13		4th	1	
14	Bottineau	28th	2 (-1)	6,045
15	Stutsman	23rd	5 (+1)	6,009
16	Adams, Hettinger	49th	2	5,985
*17	Mercer, Oliver	48th	2 (-1)	5,876
18	Cavalier	18th	2 (-1)	5,846

APPORTIONMENT UNDER SENATE BILL 71, HOUSE—(Cont.)

	County	District	Repre- sentative	Population Per Representative
**19	Cass	9th	3 (—2)	5,798
20		10th	2	
21		11th	2	
22		15th	3 (+2)	
23	Ward	2nd	1	5,771
24		29th	5 (+1)	
25	Kidder, Sheridan	35th	2	5,690
26	Traill	8th	2 (—1)	5,665
**27	Barnes	38th	3 (+2)	5,607
28	Rolette	19th	2	5,547
29	Williams	45th	3	5,457
30	Grant, Sioux	47th	2	5,410
31	Renville	43rd	1	5,388
32	Stark	31st	3	5,373
33	Eddy, Foster	32nd	2	5,330
34	Benson	20th	2	5,309
35	Wells	33rd	2	5,192
36	Emmons	26th	2	4,847
37	Ramsey	21st	3	4,778
38	LaMoure	24th	2	4,735
39	Mountrail	44th	2	4,699
40	McLean	46th	4 (+1)	4,692
*41	Dunn, McKenzie	41st	3 (+1)	4,684
42	Logan, McIntosh	36th	3	4,645
43	Dickey	25th	2	4,533
44	Ransom	14th	2	4,419
45	Burke, Divide	40th	3	4,191
46	Pierce	42nd	2	4,129
47	Nelson	17th	2	4,032
48	Golden Valley, Billings Slope, Bowman	39th	3	3,854
49	Griggs, Steele	16th	3	3,515

* Dunn county, formerly in 48th district, added to 41st.

** 9th district divided and 15th district formerly of Barnes county added.

COMBINED APPORTIONMENT UNDER SENATE BILL 71

	County	District	Population Per Legislator (Senate & House Combined)
1	Burleigh	27th	5,050
2		5th	
3	Grand Forks	6th	4,898 Average
4		7th	
5	Morton	30th	4,810
6	Pembina	1st	4,614
7	Ward	2nd	4,328 Average
8		29th	
9	Barnes	38th	4,205
10	McHenry	34th	4,185
11		9th	
12	Cass	10th	4,141 Average
13		11th	
14		15th	
15	Williams	45th	4,093
16	Bottineau	28th	4,030
17	Stark	31st	4,030
18	Stutsman	23rd	4,006
19	Adams, Hettinger	49th	3,990
20	Richland	12th	3,947
21		37th	
22	Mercer, Oliver	48th	3,917
23	Cavalier	18th	3,897
24	Kidder, Sheridan	35th	3,793
25	Sargent	13th	3,784
26	Traill	8th	3,776
27	Walsh	3rd	3,760 Average
28		4th	
29	McLean	46th	3,754
30	Rolette	19th	3,698
31	Grant, Sioux	47th	3,606
32	Ramsey	21st	3,583
33	Eddy, Foster	32nd	3,554
34	Benson	20th	3,539
35	Dunn, McKenzie	41st	3,513
36	Logan, McIntosh	36th	3,484
37	Wells	33rd	3,461
38	Emmons	26th	3,231
39	Towner	22nd	3,164
40	LaMoure	24th	3,157
41	Burke, Divide	40th	3,143
42	Mountrail	44th	3,133
43	Dickey	25th	3,022
44	Ransom	14th	2,946
45	Golden Valley, Billings, Slope, Bowman	39th	2,890
46	Pierce	42nd	2,753
47	Renville	43rd	2,694
48	Nelson	17th	2,688
49	Griggs, Steele	16th	2,636

Senate Bill 72. Requirements for Practice of Veterinary Medicine. Introduced at the request of the Livestock Sanitary Board and Board of Veterinary Medical Advisors. Amends section 36-0205 by changing requirement that a person in order to practice veterinary medicine must graduate from a school recognized by the United States Bureau of Animal Husbandry to one recognized by the Livestock Sanitary Board in order to admit qualified "displaced person" veterinaries who are graduates of schools which are now behind the "iron curtain" and not on the approved list of the bureau.

Senate Bill 73. City and Village Contracts for Electrical Energy or Gas. Introduced by the Legislative Research Committee. Amends section 40-0505 by adding cities to the provision permitting villages to enter into contracts for the furnishing of electricity or gas to the inhabitants of the municipality. The effect will be to put cities and villages on equal terms in respect to the making of such contracts.

Senate Bill 74. Workmen's Compensation. Introduced at the request of the Workmen's Compensation Bureau. This bill amends several sections of the workmen's compensation law and repeals section 65-04051. The amended sections are 65-0214, which permits the bureau to pay a dependents allowance of fifteen dollars per week, for not to exceed seventy-two weeks, where an injured workman is being rehabilitated by vocational education; 65-0404, deletes the provision which removes bonuses and increased payments for overtime from the annual expenditure upon which the employers' contributions are based; 65-0405, deletes the provision which removes such bonuses and overtime payments from the employers' annual reports; 65-0412, changes the penalty for failure to obtain coverage or make reports from one hundred dollars to one and one-half times the premium to be paid; 65-0509, raises total weekly payment allowable from thirty-seven dollars to forty-two dollars; 65-0511, raises the allowance for total and partial disability from twenty dollars to twenty-five dollars per week; 65-0513, raises allowances for the loss of a member (hand, arm, leg, eye, etc.); 65-0903, provides that judgment against employer not covered by the act shall be asked in favor of the state for the benefit of the bureau instead of just in favor of the bureau; 65-0904, provides that such judgment shall be entered in favor of state for benefit of the bureau instead of just in favor of the bureau; 65-1001, removes the provision providing that the amendment shall be retroactive as being obsolete. Section 65-04051, which makes sections 65-0404 and 65-0405 retroactive, is repealed.

House Bills 501 - 533 — Appropriations

House Bill 534. Uniform Photographic Copies of Business and Public Records as Evidence Act. Introduced by the Legislative Research Committee. The microfilm has become the common medium of clearing checks by practically all banks. Insurance companies regularly use the microfilm as a method of preserving their voluminous records. Department stores, wholesale distributors, certain industries and units of government employ the microfilm process as a regular part of their

business and official records. Hospitals frequently use microfilm to permanently preserve case histories and hospital records generally. Educational and other public and private institutions use microfilm as a modern method of compressing voluminous records into a small space with an assured accuracy in the reports. The filming process as a method of preserving records not only saves storage space but permits the installation of a more efficient index and record system. It also creates safety as a means of preservation of records because the microfilm may be placed in fireproof vaults for safekeeping. The use of microfilm reproductions and enlargements without statute immediately faces the best evidence rule. This requires the production of the original unless there is a satisfactory explanation for its absence. Courts have varied on the character of the explanation required. Intentional destruction of the original has usually precluded the use of secondary evidence. To use a microfilm reproduction without statute requires in each instance that the attorney make a complete record in the introduction of evidence to meet the demands of the best evidence rule. The microfilm statute would simply make such enlargements of reproduction admissible in evidence as a matter of law if they were made in the regular course of business.

House Bill 535. Forestry Practices on University and School Lands. Introduced by the Legislative Research Committee. Authorizes the Board of University and School lands to direct the state forester to control and apply good forestry management to designated grant lands which are not readily saleable for \$10.00 or more per acre, and permits the State forester to conserve and develop such lands and to pay the costs thereof from the income earned from the sale of forest products, the remaining income to be credited to the interest and income fund of the permanent school fund.

House Bill 536. Peace Garden. Introduced by the Legislative Research Committee. Under chapter 55-05 of the North Dakota Revised Code of 1943, the Governor is authorized to accept title in behalf of the International Peace Garden to a tract of real property located in Rolette county. This tract is original grant land controlled by the University and School Lands Department which department is unable to convey title until it has been reimbursed in accordance with the requirements of the constitution. This bill provides for an appropriation of \$6400.00 to purchase the land involved at the rate of \$10.00 per acre.

House Bill 537. Contribution Among Tortfeasors. Introduced by the Legislative Research Committee. To provide that where two or more persons have been found liable for damages for a tort (civil wrong) jointly committed, the person who pays the judgment is entitled to contribution from the others against whom judgment has also been given.

House Bill 538. County Officers Salaries. Introduced by the Legislative Research Committee. Section 11-1010 which establishes county salaries has not been amended or repealed but special temporary acts

have been enacted superseding the provisions of the permanent act, each time for a certain period of years. The provisions of the present act would expire at the end of 1951 and if no action is taken in this session the 1943 salary schedule would again take effect. The bill, as an amendment of section 11-10102, makes no changes in the present temporary act other than the advancing of the effective dates.

House Bill 539. Publication of Receipts and Expenditures of School Districts. Introduced by the Legislative Research Committee. Amends section 15-2529 by removing the provision limiting the amount which may be paid for the publication of the report of receipts and expenditures of a school district, and the provision requiring mailing to thirty taxpayers of the district. The general laws relating to publication of legal notices (46-0503) would then apply.

House Bill 540. Special Education of Exceptional Children. Introduced by the Legislative Research Committee. In North Dakota, as in other states, there are a number of children who are unable to benefit from the educational services presently available in our educational system. These children are sometimes referred to as handicapped children, but are referred to in this bill as "exceptional children." This general classification of exceptional children includes children who are: blind or partially seeing, deaf or hard of hearing, crippled, of lower vitality, defective in speech, mentally retarded, epileptic, mentally gifted, and children with special behavior problems. Some of these children are being helped through the regular educational services, but many of them are unable to receive the attention which should be available to them in order that they might overcome the special problems with which they are faced and become productive citizens of the state.

Many states, including Minnesota, have done much in the field of education for exceptional children. They regard it as a wise investment from many points of view. An exact survey of the number of exceptional children of school age is not available. However, basing our estimates upon the averages found in other nearby states it has been estimated that North Dakota has approximately the following number of exceptional children within the following classifications:

Blind or partially seeing	230
Deaf and hard of hearing	1,689
Crippled	1,126
Lower vitality	1,689
Speech defective	1,689
Mentally retarded	2,253
Epileptic	320
Mentally gifted	2,253
Behavior problems	2,814

Early in 1950 a committee consisting of persons specially interested in the field of education began considering this problem with a view to determining what might be done to establish a program for aid to the exceptional children of the state. Representatives of this general

committee met with the Legislative Research Committee and made various suggestions. Following additional hearings the Legislative Research Committee decided that there was a definite need for such a program in the state of North Dakota and that a recommendation for its establishment would be made to the legislature.

House Bill No. 540 incorporates the provisions which the Committee felt desirable and necessary to set up such a program in North Dakota. Among the provisions in the bill are the following:

1. Defines exceptional children to mean educable children under twenty-one years of age who are not adequately provided for through the public schools.

2. Establishes an advisory council on special education for the purpose of establishing the policies of the program.

3. Provision is made for the employment of a director of special education who will be responsible for the operation of the program.

4. School districts are authorized to provide the special education.

5. The advisory council and director of special education are authorized to provide rules for the operation of the program and to cooperate with all existing agencies in establishing and developing special education programs.

6. Provision is made for larger than ordinary payments to be made to the school districts that carry on special education programs. The reason for larger payments per pupil is that education of this type requires individual and special attention, and it is not always possible to conduct it in class rooms where a large number of children can come together.

House Bill 541. Deficiency Judgments in North Dakota. Introduced by the Legislative Research Committee. In order to understand properly the subject of deficiency judgments it is helpful to recall the economic conditions that preceded their use, and the manner in which deficiency judgments came into being and in which they were outlawed in this state.

During the years following the first World War land values in North Dakota and throughout the country had risen to extremely high levels. Based on the ability of the land to produce and pay over a period of years, these values proved to be far too high. In this period of high values, North Dakota land was selling for several times its present price, and mortgages were freely placed on the land at amounts which subsequent experience proved to be excessive. In many cases the period of repayment was short and interest rates were exorbitant.

During the major depression which began in 1929 and continued on through several subsequent years, one disaster after another forced farmers into the most difficult financial situations. Banks in which they had their money failed. The value of farm property dropped to unprecedented low levels. The effect of continued drought and grasshoppers shriveled farm income to almost nothing. In this period of

economic crisis, it was but natural that debtors found it impossible to meet the obligations which they had undertaken during the relatively prosperous ten preceding years. Real property values declined steadily and often drastically, and the property values which previously had been more than sufficient to secure the loans or other obligations undertaken in reliance upon those values now were insufficient to offset the remainder of a debt upon which payments had already been made for several years. Foreclosures during the depression were frequent, and the forced sales attendant upon the foreclosure proceedings were often followed by deficiency, or personal, judgments against the debtor. These judgments pointed up the fact that real property sold during an economic depression when the cash market for real property is practically non-existent and under the coercive influence of a foreclosure proceeding, more often than not failed to bring an amount which at the time the obligation was entered into, both the debtor and creditor assumed to be the minimum value of the property.

There is little wonder that there developed throughout the agricultural states of the union a strong dislike for the deficiency judgment. Under the statutes in effect in North Dakota there was little or no protection given to the debtor. Because of the absence of competitive bidding at mortgage foreclosure sales, the creditor could bid an amount less than the value of the property and less than the amount due and then obtain a deficiency judgment for the difference between the bid price and the total debt. North Dakota laws at that time and at present offer the debtor no safeguard in securing to him the fair value of his property at such sale. He is credited with only the bid price, whatever that may be.

Various means were developed to meet this situation in different states. Some states, including Wisconsin, Michigan, Texas, California, and New York, required that the **fair value** instead of the **bid price** in the foreclosure sale be used in determining the amount to be applied against the debt. Certain other states, including Iowa and Ohio provided for a reduced period of time within which a deficiency judgment might be enforced after being obtained. Usually this period was reduced to two or three years. In North Dakota a judgment is ordinarily good for ten years and may then be renewed. North Dakota passed a law in the 1933 legislature, Senate Bill No. 3 (See c. 155, S.L. 1933) which prohibited the court from granting a deficiency judgment in an action to foreclose the mortgage. At the time, it was thought that by prohibiting the granting of a deficiency judgment in the foreclosure proceedings no personal judgment could be obtained against the mortgagor for the deficiency. However, the North Dakota Supreme Court in the case of **Burrows vs. Paulson**, 64 N.D. 557; 254 N.W. 471, specifically held that the fact that the court was prohibited from granting a deficiency judgment in a foreclosure proceeding did not preclude the mortgagee from maintaining an action at law upon the debt to secure a personal judgment for the amount of the debt remaining unsatisfied.

The deficiency judgment remained. The difference between the two laws was the procedural method by which the judgment was obtained. At this point two actions, one at law on the debt, the other in equity to foreclosure, were substituted to accomplish the same result which had previously been possible under a single action to foreclose.

In the session of 1937 the legislature passed Senate Bill No. 72 (c. 159, S.L. 1937) which retained the provisions of Senate Bill No. 3, but in addition provided:

“Neither before nor after the rendition of a judgment for the foreclosure of a real estate mortgage or for the cancellation or foreclosure of a land contract made after July 1, 1937, shall the mortgagee or vendor, or the successor in interest of either, be authorized or permitted to bring any action in any court in this state for the recovery of any part of the debt secured by the mortgage or contract so foreclosed.”

The Federal Land Bank, which originally quit doing business in North Dakota because of a law making hail taxes a prior lien on the land on which such taxes were unpaid, now agrees that the prior lien of the hail taxes does not constitute an insuperable barrier to a return to business in North Dakota, but it insists that the absolute prohibition against deficiency judgments is such a barrier. The position taken by the Bank is that the federal law requires the personal credit of the debtor to be pledged in addition to the mortgage upon specific property. In the past, to overcome this difficulty, it has been suggested that either there be a repeal of the anti-deficiency judgment law with no additional safeguards provided or that there be an exemption of the Federal Land Bank from the terms of the law.

The attention of the Legislative Research Committee, both individually and collectively, has been called to the need for long-term low-interest rate loans at reasonable amounts on North Dakota real estate. It is a common observation that modern farming involves a substantial investment in land, machinery and livestock and that many persons who desire to commence farming in this state or who wish to continue farming need this type of credit. Some lending companies have made short-term loans on farm lands in the Red River Valley. A certain amount of financing has also been done by individuals in the state on a short-term basis and usually at comparatively high interest rates. There are few opportunities to make long-term low-interest rate loans.

One of the basic questions to be determined by the legislature in considering this broad question, is whether the legislature wishes to make long-term low-interest rate loans available to those of our citizens who desire to begin farming or continue farming in this state. In the event that this is decided upon as desirable, the Legislative Research Committee has worked out a means of assuring that the rights of the debtor will be fully safeguarded. It will be observed that while the proposed bill technically makes deficiency judgments possible, it sur-

rounds the mortgagor with safeguards which in actual practice would make a deficiency judgment almost impossible except in a very deserving case.

In reviewing this subject and meeting its obligation to the public, the legislature should reexamine the present North Dakota statutes relating to mortgage foreclosures and deficiency judgments. Certain weaknesses in these laws should be called to the attention of the legislature, not with a view of being critical of the anti-deficiency judgment statutes, but rather to give the members of the legislature full and proper information on this subject. Certain inadequacies exist in the present mortgage foreclosure laws which fail to give mortgagors and their co-signers the protection that should be available. Under the provisions of section 32-1903 of the North Dakota Revised Code of 1943 it is provided that: "If the mortgage debt is secured by the obligation, or other evidence of debt, of any person other than the mortgagor, the plaintiff may make such other person a party to the action and the court may render judgment for the balance of the debt remaining unsatisfied after a sale of the mortgaged premises as against such other person and may enforce such judgment as in other cases by execution or other process. Nothing elsewhere contained in this chapter shall be construed to postpone or affect any remedies the creditor may have against any person personally liable for the debt, other than the mortgagor or purchaser and the successors in interest of either." Thus, a deficiency judgment is still available against such third parties.

Secondly, while deficiency judgments are prohibited as regards real estate notes and mortgages, yet they are still available in dealing with chattel mortgages. Under these laws a creditor who desires to loan money to a debtor for the purchase of real estate may take a note and security on personal property upon which he will be free to obtain a deficiency judgment.

A third difficulty in our present foreclosure procedure is that North Dakota law gives the debtor no protection or assurance that the fair value of his property will be credited against the indebtedness.

Section 28-2313 of the 1943 North Dakota Revised Code, provides that where the proper legal steps have been taken in connection with the foreclosure sale the judge must confirm the sale. Our statutes are entirely silent on the subject of requiring a fair value to be credited to the mortgagor for the sale of his property upon foreclosure. Our present statutes merely state that "after sufficient property has been sold to satisfy the execution no more shall be sold." (Section 28-2307 of the 1943 North Dakota Revised Code.) There is no requirement that the fair value of the property be bid in at the sale. It has been held by the courts of this state that where the bid price is below the fair value, the mortgagor is protected by his right to redeem at the bid price. In practice this would be of little benefit to the mortgagor because one who had defaulted in making payments would probably not be in a position to make a full redemption within the year allowed.

In the event the North Dakota legislature desires to enact legislation modifying the present deficiency judgment provisions yet strengthen the safeguards to the debtor, the North Dakota Legislative Research Committee has prepared and introduced House Bill No. 541, which would accomplish this purpose. This proposed bill includes several safeguards found by the experiences of other states to be helpful in protecting the rights of the debtor and which do not exist at present in the statutes of North Dakota. The most important phases of House Bill No. 541 are the following:

1. It provides that where a mortgage is foreclosed the fair value of the mortgaged property must be credited on the amount of the indebtedness, and that a deficiency judgment can be entered only where the amount of the debt exceeds the fair value of the mortgaged premises;
2. The determination as to the fair value of the mortgaged premises is to be made by a jury;
3. The third important safeguard incorporated into this bill provides that in the event a deficiency judgment is obtained, it cannot be enforced by execution after three years from the date of the rendition of such judgment. This would have the practical effect of outlawing the deficiency judgment after three years. Consequently a person against whom a deficiency judgment has been obtained would not have to contend with it for more than three years.

The bill would assure that the fair value of the property would be credited against the indebtedness. It is to be noted that the determination of the fair value, not market value, would be made by jury in the county where the property is located. This fair value could take many things into account and real estate values could be considered over a period of years.

A review of the provisions of the present statutes of North Dakota relating to mortgage foreclosures and a review of the provisions of this House Bill No. 541, will indicate that while a deficiency judgment is technically possible, this bill places new and important safeguards around the mortgagor. While the individual safeguards referred to above are found in the statutes of other states the Legislative Research committee was unable to find any other state which went so far in protecting the debtor as to include all of the safeguards found in House Bill No. 541.

House Bill 542. Compensation of Township and District Assessors. Introduced by the Legislative Research Committee. Senate Bill 7 of the 1944 Special Session constituted an amendment of section 2125 of the 1913 Compiled Laws and thus amended or superceded not only section 57-0233 but also section 58-0902. The present bill again separates these sections, which relate respectively to assessors in unorganized territory and in townships. The purpose of the bill is to remove the eighty-four

dollar per year limitation upon the compensation of township assessors. Other changes in the wording of section 58-0902 only recognize the changes made by the 1944 Act although not shown in the township assessor law.

House Bill 543. Burial of Deceased Persons. Introduced by the Legislative Research Committee. Amends section 23-0603(5) by increasing the maximum rate allowable for county burial expense from \$100.00 to \$150.00.

House Bill 544. Salary of Bailiffs. Introduced by the Legislative Research Committee. Amends section 27-0609 by increasing the salary for bailiffs of district courts from \$3.00 to \$6.00 per day.

House Bill 545. Uniform Conditional Sales Act. Introduced by the Legislative Research Committee. Provides a new body of law relating to conditional sales contracts. Provides for the filing of such contracts and outlines the rights of the buyers and sellers and affected third persons. The provisions of this Act are extensive and detailed and supplement the very sketchy law presently existing on this subject in North Dakota.

House Bill 546. Compensation of Witnesses. Introduced by the Legislative Research Committee. Amends section 31-0116 by increasing the compensation paid witnesses for attendance before any court, board or tribunal from \$2.00 to \$4.00 per day.

House Bill 547. Number of Judges in Fourth District. Introduced by the Legislative Research Committee. Amends section 27-0501(4) by increasing the number of judges in the fourth judicial district from two to three.

House Bill 548. Revenue Producing Buildings. Introduced at the request of the Board of Higher Education. This bill provides authorization for the construction of men's dormitories at the Agriculture College, Valley City Teachers College, Dickinson Teachers College, Ellendale Normal and Industrial School, and the Bottineau School of Forestry under the revenue producing building bond law (chapter 15-55, 1949 Supplement). Bonds issued for this purpose do not become general obligations of the state and are retired solely from the revenue produced by the buildings. Certain dormitories for which authorization is asked could not be successfully financed at this time, but the authorization is requested in order to be available if the order which has frozen federal loan funds for dormitory construction is rescinded.

House Bill 549. Motor Vehicles. Introduced at the request of the Motor Vehicle Department. Amends section 39-1202 relating to permits for the operation of vehicles exceeding the maximum weight restrictions by omitting that portion authorizing local authorities to issue permits. The state highway commissioner is thus vested with the sole authority to grant such permits

House Bill 550. Motor Vehicles. Introduced at the request of the Motor Vehicle Department. Amends section 39-0462 by advancing from May 20th to February 1st, the date on which licensed car dealers must

list all used cars with the motor vehicle registrar. Also advances the date from October 1st to July 1st when all used cars on hand must be licensed.

House Bill 551. Motor Vehicles. Introduced at the request of the Motor Vehicle Department. Amends section 39-0422 by providing a new schedule of registration fees for passenger motor vehicles.

House Bill 552. Motor Vehicles. Introduced at the request of the Motor Vehicle Department. This bill provides for a new schedule of fees for the registration of trucks and eliminates the present A and B schedules placing all trucks under classification I.

House Bill 553. Motor Vehicles. Introduced at the request of the Motor Vehicle Department. Amends section 39-0417 to advance date after which motor vehicle registration becomes delinquent from May 15th to February 1st.

House Bill 554. Filling of Wells, Shafts, or Other Excavations. Introduced by the Legislative Research Committee. Amends section 23-1306 by requiring abandoned wells, shafts, or other excavations to be filled or otherwise protected, and provides a penalty for failure to do so. The section presently in effect applies only to mines and dry wells and does not provide a specific penalty.

House Bill 555. Issuance of Marriage Licenses. Introduced by the Legislative Research Committee. Amends section 14-0310 to permit the issuance of marriage license in the county where the parents of one of the parties reside, thus making it possible for a returning son or daughter to be married at the family home.

House Bill 556. Petroleum Products. Introduced at the request of the State Laboratories Department. Amends section 19-1010 to authorize the State Laboratories Department to determine specifications for gasoline, kerosene, tractor fuel, diesel oil, and heating oil, basing such specifications on nationally recognized standards. The lengthy specifications for gasoline and kerosene set forth in section 19-1009 are not in effect today under the present power of modification. The amendment would eliminate all such specifications from the statutes and permit the State Laboratories Department to determine and change specifications in line with nationally accepted standards. The provisions of the administrative practice act (chapter 28-32) would govern the procedure to be used.

House Bill 557. School District Officers. Introduced at the request of the School District Reorganization Committee. This bill amends sections 15-2801 and 15-5314(5) to enable special school districts established under the reorganization law to elect members of the board of education from designated areas.

House Bill 558. Unemployment Compensation. Introduced at the request of the Unemployment Compensation Division. This bill amends section 52-0401 by adding a subsection to provide that where an employer has mistakenly paid his unemployment fund contribution to another state, no penalties or interest will be assessed if payment into the North

Dakota fund is made in a manner which is fair and reasonable. The bill amends section 52-0403 by tying the definition of wages to the federal law, and provides that if the present limitation of \$3,000.00 as wages subject to tax is raised by the federal government, the state limitation will automatically follow suit. The amendment to this section also provides for credit to be given for wages earned in another jurisdiction if an unemployment tax has been levied thereon.

House Bill 559. Unemployment Compensation. Introduced at the request of the Unemployment Compensation Division. Amends Section 52-0101, Subsection 5. **BENEFIT YEAR.** Redefines the benefit year as a one year period beginning with the day on which an individual files an application for benefits and eliminates from the definition the description of a valid claim for benefits which is now included in the eligibility requirements.

Subsection 15, subdivision d. Redefines casual labor in accordance with the amended Internal Revenue Code as set forth at Section 1607 C (3) of that Code. The purpose of this proposal is to maintain uniformity with the Internal Revenue Code.

Subsection 15, subdivision i. (1) (a). Changes \$45 to \$50 in order to maintain uniformity with the IRC as set forth at Section 1607 (C) 10 (A) (i) of such Code.

Subsection 15, subdivision (5). Deletes the \$45 provision and excludes from coverage those students who are employed in a school, college or university not exempt from income tax under Section 101 of the Federal IRC. This provision is in conformity with the provisions set forth in the IRC Section 1607 (C) 10 (E) of such Code.

Subsection 22 a. Redefines wages in accordance with Section 1607 B 1 of the IRC and makes provision for the allocation of back pay awards to workers, such allocation being charged to the quarters in which they were actually earned. The amendment at subsections a, b, c, d, & e provides for the exclusion from the definition of wages of certain payments for insurance, hospitalization, retirement and annuities, as set forth at Section 1607 B 2, wages which were exempt from tax under 165A of IRC, as set forth at Section 1607 B 5 of the IRC; remuneration other than cash set forth at Section 1607 B 7 and certain payments to an individual who has reached the age of 65 and who is not working, as set forth at Section 1607 B 8 of the IRC and provides at subsection h. that dismissal payments prior to December 31, 1951, shall be excluded from the definition of wages. Subsequent to that date they shall be considered as wages in accordance with Section 1607 B 9 of the IRC. This is a major change.

House Bill 560. Unemployment Compensation. Introduced at the request of the Unemployment Compensation Division. Amends section 52-0604 relating to the tables of unemployment compensation benefits as regards qualifying wages, weekly benefits, maximum total benefits, and dependents benefits.

Amends section 52-0605 by defining "maximum potential basic benefit" and by providing allowances for dependents.

Amends section 52-0629 by adding a provision for making payments due to deceased or incompetent persons to person designated by the bureau without the necessity of probate proceedings.

Amends section 52-0633 relating to recoupment of payments made under mistake or because of fraud or misrepresentation.

Repeals subsection 5 of section 52-0601 requiring person to be entitled to benefits to have earned wages equal to twenty-eight times his weekly benefit amount. This requirement has been raised to thirty and placed in the table in section 52-0604.

House Bill 561. Unemployment Compensation. Introduced at the request of the Unemployment Compensation Division. Amends sections 52-0638 and 52-0639 by reducing the penalties for false statements, made to obtain benefits or reduce payments to fund, from ninety to thirty days imprisonment, making it possible for such cases to be handled in justice court.

House Bill 562. Bids for Public Works Contracts. Introduced at the request of Board of Higher Education and Board of Administration. Amends section 48-0206 by removing five per cent preference given to North Dakota contractors.

House Bill 563. Retirement of Public Employees. Introduced at the request of the Unemployment Compensation Division. Amends subdivision 1 of subsection F of section 52-0920 by deleting the provision permitting persons to qualify as fully insured by coverage for one out of every two quarters elapsing after first coverage under this Act or after attaining the age of twenty-one. Normally ten years of employment is required and the deleted portions would qualify certain persons commencing work for the state or political subdivisions in the future after periods as short as eighteen months.

Amends subsection P of section 52-0920 to make coverage by certain political subdivisions optional rather than mandatory.

Amends section 52-0909 by increasing the rate of contribution from one per cent to one and one-half per cent of the wages.

House Bill 564. Workmen's Compensation. Introduced at the request of the Workmen's Compensation Bureau. Amends subdivision c of subsection 5 of section 65-0102 for purposes of clarification. In the amended form the section requires that the subcontractor shall be deemed to be an employee of the general contractor until such time as the subcontractor is himself actually covered under the compensation law. This coincides with an amendment previously made and inadvertently deleted in a subsequent amendment.

House Bill 565. Workmen's Compensation. Introduced at the request of the Workmen's Compensation Bureau. To clarify the law regarding the liability of covered employers for injuries to his employees, and to insert a specific provision in section 65-0108 stating such injured

employees "shall look solely to the fund for compensation". This would prevent an employee who has collected compensation from the North Dakota fund from collecting the difference between the benefits allowed by the North Dakota law and possible higher benefits under another state law.

Amends section 65-0503 by inserting a provision requiring decisions of the bureau to be granted full faith and credit the same as judgments of a court of record.

House Bill 566. Meeting of Poultry Improvement Board. Introduced at the request of the Poultry Improvement Board. Amends section 4-1306 to permit meetings of the board to be held any place in the state instead of merely at the state capitol as is specified in the present law.

House Bill 567. Dependent Children. Introduced at the request of the Public Welfare Board. The purpose of this bill is to amend the existing ADC statute, chapter 50-09, to include provisions relating to the ownership of property by a parent or parents receiving assistance for dependent children.

The amendment provides that the ownership of property including the home, other real estate, personal property and insurance will not preclude the granting of assistance if the applicant is without funds for the support of children, but imposes certain restrictions on the ownership of property and insurance and provides that assistance granted under the statute shall be a lien against property owned by the children or their parents and that the statute of limitations shall not operate against a state claim for repayment of assistance.

Provision is also made for the recovery of assistance extended to children and parents from persons liable for their support and from the estates of parents, and for division of moneys recovered between the federal, state and county governments.

House Bill 568. Dependent Children. Introduced at the request of the Public Welfare Board. The purpose of this bill is to amend the existing aid to dependent children section 50-0907 to make it mandatory for county welfare agencies to report the name and last known address of a deserting parent or parents of children about to receive or who are receiving assistance from the aid to dependent children program. The amendment would bring the North Dakota statute into conformity with a recent revision of the social security act by Congress.

House Bill 569. Insuring of Public Buildings. Introduced at the request of the Board of Higher Education and the Board of Administration. Amends section 26-2402 by specifically permitting the state hail and tornado fund to insure public buildings and improvements while under construction.

Amends section 48-0103 by removing the requirement that insurance on public buildings be carried in "some solvent company". This will permit the state hail and tornado fund, as well as private companies, to carry such insurance. The bill also inserts the provision that structures

and equipment included in the cost of the contract may likewise be insured.

House Bill 570. Contracts for Construction of Public Works. Introduced at the request of the Board of Higher Education and the Board of Administration. Amends section 43-0712 by removing the provision which requires a contractor to be the holder of a contractor's license for at least ten days prior to the date set for receiving bids. Under the amended version it would be sufficient if a license was in effect at the time of the bid.

House Bill 571. Aid to Blind. Introduced at the request of the Public Welfare Board. Amends sections 50-0801, 50-0808, 50-0819, 50-0820, and subsections 13 and 14 of section 50-0802.

The purpose of this bill is to amend the aid to the needy blind law to provide that "physicians skilled in the treatment of eyes" and "optometrists" (one who examines and prescribes correctional lenses or exercises but does not use drugs, medicine or surgery. See chapter 43-13) may make examinations to determine eligibility for assistance. At the present time the statute designates only "ophthalmologists" as being qualified. Provides for permissive rather than mandatory refusal of aid to persons who refuse surgical or medical treatment to relieve his disabling condition. This amendment will bring the North Dakota statute into conformity with the social security act.

House Bill 572. Child Placing Agencies. Introduced at the request of the Public Welfare Board. Amends sections 50-1202, 50-1203, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, 50-1211, 50-1212, 50-1213, 50-1214, 50-1215, 50-1216, and 50-1217 to take the licensing of child placing agencies out of the jurisdiction of the Board of Administration and place it in the Division of Child Welfare of the Public Welfare Board. In practice, at present, licensing and the administration of the child placing licensing law is in the hands of the Child Welfare Division and routine approval is given by the Board of Administration.

House Bill 573. Sale of Impure Milk and Cream. Introduced at the request of the State Dairy Commissioner. Amends section 4-1846 by adding cream to the provision penalizing the sale or exchange of impure or adulterated milk.

House Bill 574. Grading of Cream. Introduced at the request of the State Dairy Commissioner. Amends section 4-1815 to revise the provisions governing the grading and testing of cream, and provides for the keeping of records of cream or butterfat purchased.

House Bill 575. Game and Fish. Introduced at the request of the Game and Fish Department. Prohibits transplanting or introducing into the state of fish, fish eggs, game birds, or game animals without a permit or without complying with the rules and regulations of the game and fish commissioner.

House Bill 576. Game and Fish. Introduced at the request of the Game and Fish Department. Amends subsections 6 and 7 of section

20-0312 to raise the fee for nonresident trapping licenses from twenty-five cents to one dollar, and to raise the fee for resident fishing licenses from fifty cents to one dollar.

House Bill 577. Elementary Per Pupil Payments from the County Tuition Fund. Introduced by the Legislative Research Committee. Payments from the county tuition fund under the present schedule provide the most substantial benefit payments to the very small schools and to the schools having a very large number of pupils per room or per teacher. The proposed amendment of section 15-5601 recognizes that physical conditions existing in many cases necessitate such schools but attempts to provide adequate allowances to the sounder schools in the middle bracket and encourage rather than discourage establishment and development of schools and school rooms of a size, that provide adequate educational facilities to the students without exorbitant costs to the taxpayer.

House Bill 578. High School Tuition Payments. Introduced by the Legislative Research Committee. Provides for increased payments of high school tuition from the state equalization fund to high schools and county agricultural and training schools (from \$90.00 to \$108.00) and enables such schools to make an additional tuition charge not in excess of the difference between the actual per student cost and the payment from the fund, charging not in excess of \$54.00 to the district of the student's residence if the student is admitted from a district maintaining no high school. Eliminates payments to model high schools at state institutions.

House Bill 579. Township Road and Bridge Construction. Introduced by the Legislative Research Committee. Amends sections 24-0602, by removing the provision requiring a petition of two-thirds of the freeholders of a township before the board of supervisors may purchase road machinery or equipment for use by the township for an election is required if the cost of such road machinery or equipment exceeds the sum of four hundred dollars.

Amends section 24-0607 to include rental contracts in the requirement of an election when more than four hundred dollars is involved.

Revises 24-0608 to permit the township supervisors to expend up to five hundred dollars in any one year for highway purposes without filing plans and specifications or calling for bids. The amended section also exempts work done by township employees from the limitations as to bids, plans and specifications, and deletes the reference to working out road taxes.

Amends section 24-0609 to permit townships to contract between themselves or with conservation districts for the improvement or construction of highways without advertising for bids. The present law provides for such contracts only with the county.

Repeals as obsolete sections 24-0621, 24-0622, 24-0623, 24-0624, 24-0625, and 58-1203(3) which provide for working out road taxes.

House Bill 580. Livestock Inspection. Introduced by Representative Bubel. Amends section 36-2202 and provides that the North Dakota Stockmen's Association "shall", instead of "is authorized", inspect all cattle to determine ownership whenever such cattle are shipped to public markets within or without the state.

House Bill 581. County Assessors. Introduced by the Legislative Research Committee. This bill, similar to House Bill 3 of the 1949 Legislative Assembly, provides for the creation of the office of county assessor.

House Bill 582. Compensation of Administrators and Executors. Introduced by the Legislative Research Committee. Amends section 30-2004 (3) to raise compensation received by administrators and executors from five percent to ten percent on first one thousand dollars, from two percent to five percent on next five thousand dollars, and from one percent to two percent on amount in excess of six thousand dollars.

House Bill 583. Reimburse Oliver County. Introduced by Representative Bubel. To reimburse Oliver county in the amount of \$1,144.69 for moneys erroneously paid to the state.

House Bill 584. Farm-to-Market Roads. Introduced by Representative Link. Authorizes the board of county commissioners to prepare and submit to the electors of the county a plan for the construction of farm-to-market and federal aid roads and to levy a tax not in excess of five mills to carry out such program if approved by the electors.

House Bill 585. Unsatisfied Judgment Fund. Introduced by the Legislative Research Committee. Provides for payment from the unsatisfied judgment fund in hit and run cases with provision for subrogation of the fund in the event the responsible person is later identified.

House Bill 586. Investment of Unsatisfied Judgment Fund. Introduced by the Legislative Research Committee. Establishes the unsatisfied judgment fund as a revolving fund. Authorizes the investment of moneys in the fund and appropriates interest and repayments to the fund.

House Bill 587. Unsatisfied Judgment Fund. Introduced by the Legislative Research Committee. Amends section 39-1704, requiring the attorney general and the highway commissioner to be given twenty days notice prior to the entry of a default judgment in cases where the unsatisfied judgment fund is expected to satisfy such judgments and authorizes the attorney general to appear and conduct a defense in the name of the defendant. Similar provisions have been added to the unsatisfied judgment fund laws of the provinces of Manitoba and Ontario for a judgment proof defendant may not enter a defense. Under the present North Dakota statute the attorney general is only authorized to check the validity of the original judgment and the efforts that have been made to collect upon it.

UNFINISHED BUSINESS

In the course of the Committee's activities, many other subjects which have not resulted in concrete legislative proposals have received varying degrees of consideration. While the Committee believes that a decided reduction in the number of bills that would otherwise confront the legislature and require expenditure of time by the members during the session has been accomplished in many instances by pre-session conferences on proposals advanced to the Committee, it should be emphasized that many subjects that have been considered and suggestions and proposals that have been advanced to the Committee undoubtedly contain merit and will result in bills in this session. On many such topics the Committee has accumulated material which will be valuable to members of the legislature in dealing with proposals in this and future sessions. Such material in the office of the Committee is available to all members as are the services of the committee staff and the experience developed through the preliminary work that has been undertaken. Topics which have received such consideration without development to the form of concrete legislative proposals or which have been considered in broader terms than the specific proposals resulting include, among others, assessment and tax collection; reorganization of the state governmental structure; agriculture legislation including land tenure and leasing problems, financing through state lending agencies, and soil conservation; utility tax distribution; recommendations of the County Commissioners Association; state and local highway financing and other highway and motor vehicle subjects including title registration, the uniform motor vehicle laws, and the safety responsibility act; marketable title laws and validation of tax sales; estate tax reciprocity; drainage; modernization of criminal statutes with particular reference to juvenile offenders and psychopaths; election laws and the filling of vacancies on the ballot or in office; mineral and oil rights legislation and taxation; and bottled gas regulation.

RULES

The Committee believes that the rules of the North Dakota Legislative Assembly are now the most modern and practical of any American legislative body but advocates continued attention with a view to possible improvement as experience and practice may indicate and suggests consideration of pre-session conferences before future sessions at which new members may acquaint themselves with legislative procedure and old and new members alike, in open discussion, may raise any questions as to the purpose, necessity and reason for any rule and may suggest any changes or improvements.

The Committee believes that the practice inaugurated in this session of commencing the numbering of House Bills with the number 501 will eliminate confusion in referring to and distinguishing between House and Senate Bills and suggests the addition of a new rule providing for the reprinting of bills in the amended form when a bill is amended and passed by the house in which it originated.