

## VETOED MEASURES

### CHAPTER 46

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

#### BUDGET

Subdivision 24.

#### 38th Legislative Assembly

Budget Request for 38th.....	\$ 78,000.00
*Per Diem—Employees (Vetoed).....	125,000.00
Printing .....	86,000.00
Miscellaneous .....	12,000.00
Expense—Members .....	194,400.00
Janitor Service and Engineering.....	3,750.00
<b>Total .....</b>	<b>\$499,150.00</b>

Disapproved March 17, 1961.

Filed March 18, 1961.

#### Item Veto

March 17, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Meier:

I transmit to you House Bill No. 501 with my approval except for a veto of one distinct item making an appropriation.

On Page 11 of House Bill No. 501 I vetoed the language and appropriation reading "Per Diem Employees \$125,000.00," to be found on the second line under the section "38th Legislative Assembly."

A review of the number of employees necessary in past legislative sessions reveals that the 1961 Legislative session employed 138 persons which is considerably more than in past sessions. The appropriation by the 1959 Legislature made for the 1961 session was \$60,000.00. The appropriation by the 1961 Legislature made for the coming 1963 session is \$125,000.00.

It is readily apparent that there will be a need at the opening of the 1963 session for a serious review of the number of

\***Note:** For remainder of House Bill No. 501 see chapter 46,  
APPROPRIATIONS.

legislative employees actually required and the amount of state funds which can logically be committed for such service. In order to facilitate such a review I veto the specific item "Per Diem Employees \$125,000.00."

Sincerely yours,  
WILLIAM L. GUY  
Governor

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## CHAPTER 392

S. B. No. 184  
(Foss)

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### REVENUE CERTIFICATES OF STATE SCHOOL CONSTRUCTION FUND

#### AN ACT

Authorizing preparation, issuance and sale of revenue anticipation certificates of the state school construction fund by the state board of public school education, the purchase of such certificates by The Bank of North Dakota, and by other state departments, making provision for payment and retirement of such certificates, and making an appropriation.

**Veto**

March 15, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Senate Bill No. 184, "an act authorizing preparation, issuance and sale of revenue anticipation certificates of the state school construction fund by the state board of public school education, the purchase of such certificates by The Bank of North Dakota, and by other state departments, making provision for payment and retirement of such certificates, and making an appropriation", is a stop-gap measure to bolster an inadequate income to the state school equalization fund, by taking money out of one pocket and putting it in another.

The school construction fund of 5 million dollars was established by the 33rd Legislative Session in 1953, out of equalization funds. Loans from the school construction fund are made only to school districts which must build but which are unable under present law to issue bonds sufficient to cover the cost of construction. Since the beginning of the fund,

eighty-two schools have been built using school construction fund loans. Without this loan program these schools could not have been built. Repayments of loaned funds are again available for lending for school construction by the revolving feature of the school construction funds. Today there are ten schools with applications to borrow from this fund.

In an inconsistent action, the 37th Legislative Session recognized both the inadequacy of available loan funds for school construction and the urgency of need by appropriating \$800,000.00 to this same school construction fund in Senate Bill No. 185. However, Senate Bill No. 184 provides for the reduction and destruction of the \$5,000,000.00 school construction fund by as much as \$3,000,000.00. This would appear to leave \$2,000,000.00 plus the funds transferred from the interest accumulated, which now amounts to \$355,000.00. However, since the contracts with the state school construction fund run for twenty (20) years and Senate Bill No. 184 provides that the revenue anticipation certificates must be repaid in ten (10) years, the entire income from the state school construction fund would be obligated to repay the revenue anticipation certificates in that length of time. This would, in effect, cripple and even discontinue the revolving feature of the state school construction fund, thus draining it to as little as \$2,000,000.00. To temporarily finance the school equalization fund in this manner would only delay the coming to grips with a permanent solution, and would at the same time create an insurmountable problem in financing North Dakota school construction.

In view of the past success of the school construction fund, its urgent need in the future, and a complete evasion of a solution for equalization fund financing in this Senate Bill No. 184, I veto it.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

**§ 1. Preparation of State School Construction Fund Revenue Anticipation Certificates.)** From time to time on request of the superintendent of public instruction to meet the needs of the state equalization fund the state board of public school education may prepare revenue anticipation certificates of the state school construction fund. Such certificates shall be signed by the chairman of the state board of public school education,

shall mature in not more than ten years from the date of issue and shall bear interest at a rate to be determined by the state industrial commission. They shall be eligible for purchase by The Bank of North Dakota and by other agencies, departments and trust funds of the state, except school trust funds.

**§ 2. Issuance of State School Construction Fund Revenue Anticipation Certificates.)** Certificates prepared in accordance with section 1 of this Act may be issued from time to time to meet the needs of the state equalization fund. The proceeds of such certificates shall be paid to the state treasurer for the state equalization fund and shall be by him deposited therein. The purchaser and holder of such certificates shall be entitled to payment thereof with interest, in accordance with their terms out of rents and other revenues accruing to the state school construction fund, and such certificates shall be a paramount charge in the order of issuance against all rentals and revenues collected and received for the state school construction fund. The maximum amount of such certificates outstanding at any one time shall not exceed the sum of three million dollars.

**§ 3. Appropriation.)** There is hereby appropriated from the state school construction fund to the purchasers of revenue anticipation certificates authorized and issued under this Act, and to the state equalization fund, the sum of three million dollars or such portion thereof as may be needed for the state equalization fund and for the payment of interest on such certificates.

Disapproved March 15, 1961.

Filed March 15, 1961.



## CHAPTER 393

H. B. No. 684

(Wheeler, Buechler, Christopher, Einarson, Johnston)

## COOPERATIVE EDUCATIONAL FUNDS

## AN ACT

To amend and reenact subsection 9 of section 10-15-03 of the North Dakota Century Code, relating to donations by cooperatives for educational scholarships; and to repeal subdivision a of subsection 2 of section 10-15-33 of the North Dakota Century Code, relating to educational funds of cooperatives.

**Veto**

March 11, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

House Bill No. 684, "an act to amend and reenact subsection 9 of section 10-15-03 of the North Dakota Century Code relating to donations by cooperatives for educational scholarships; and to repeal subdivision a of subsection 2 of section 10-15-33 of the North Dakota Century Code relating to educational funds of cooperatives", represents the high water mark in a legislative session dedicated by the majority party to political vindictiveness.

This bill was conceived in post election bitterness and carried through passage in both houses in a political passion which blamed a North Dakota farm organization for the loss of the U. S. senatorship and a governorship in the 1960 elections. In the months ahead, the majority party will begin to realize their hasty action in blaming defeat at the polls on one man or one farm organization is underestimating the importance of candidates and a political party's program as major factors in winning an election.

This bill in calm reflection denies the individual member of a cooperative in annual elections the right to determine the use of up to five per cent of net proceeds for educational purposes. The present law which House Bill No. 684 seeks to repeal states that such educational funds shall not be used in any political activity. This bill, while aimed at a specific cooperative organization, is a sweeping denial to all types of cooperatives of the right to make their own determinations by annual elections.

The use of educational funds by REA cooperatives in the promotion and education of electric power uses has resulted in a fantastic increase in farm convenience and efficiency. This electrification of farming is a vital stimulus to the economics of main street business in our towns. At a time when further farm efficiencies are called for, and a transition to high gross income farming is called for, the weakening of our electrical power cooperatives' ability to educate and promote would be disastrous to our entire North Dakota economy. I am aware that the promoters of this bill have said that they are not out after the REA's and that this bill would not affect REA's. However, there is sufficient legal doubt to make it hazardous to create the question.

It is tragic that at a time when the individual farmer could have benefitted greatly by legislation in this session, he is offered this bill as a contribution to the economic growth of this state's basic industry—farming.

The sponsors of this hopefully look upon this bill as a means of embarrassing me. I reject this shortsighted optimism on their part and veto House Bill No. 684.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

§ 1. **Amendment.)** Subsection 9 of section 10-15-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. Make donations for charitable, scientific, educational scholarship, or religious purposes;

§ 2. **Repeal.)** Subdivision a of subsection 2 of section 10-15-33 of the North Dakota Century Code is hereby repealed.

Disapproved March 11, 1961.

Filed March 13, 1961.

## CHAPTER 394

H. B. No. 742

(Davis of Dunn, Currie, Reimers)

## EMINENT DOMAIN, BOARD OF PARK COMMISSIONERS

## AN ACT

To repeal subsection 11 of section 11-28-05 of the North Dakota Century Code, relating to the exercise of the power of eminent domain by the board of park commissioners.

## Veto

March 10, 1961

The Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Transmitted herewith without my approval is House Bill No. 742, an act to repeal Subsection 11 of Section 11-28-05 of the North Dakota Century Code, relating to the exercise of the power of eminent domain by the Board of Park Commissioners.

Chapter 11-28-05 of the North Dakota Century Code spells out the powers and duties of the board of county park commissioners. Subsection 11 of Section 11-28-05 is a substantial power necessary in the full performance of those duties of a board of county park commissioners. To repeal the right of eminent domain now vested in a board of county park commissioners would relieve the public of its rights in the courts to expand the recreational facilities of our state in this and coming generations. The rights of the individual are protected by the courts in the exercise of the power of eminent domain. I have confidence in our courts.

The vitality of North Dakota's projected water resource development would be jeopardized with the loss of the power of eminent domain vested in the boards of county park commissioners.

This era in which we live is providing greater free time for adults, and is increasing the need for juvenile recreation. Our needs today call for an expansion rather than a retardation of the establishment of our park systems.

I therefore veto House Bill No. 742.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

§ 1. **Repeal.**) Subsection 11 of section 11-28-05 of the North Dakota Century Code is hereby repealed.

Disapproved March 10, 1961.

Filed March 10, 1961.

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## CHAPTER 395

S. B. No. 263

(Longmire, Baker)

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### REGISTRATION OF ELECTORS

#### AN ACT

To provide that all electors must be registered in the precinct prior to being authorized to vote in any statewide special, primary, or general election, providing for the method of registration and to amend and reenact section 16-18-06 of the North Dakota Century Code, relating to absent voters' ballots, and providing a penalty.

#### Veto

March 17, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Senate Bill No. 263 is "an act to provide that all electors must be registered in the precinct prior to being authorized to vote in any statewide special, primary, or general election, providing for the method of registration and to amend and reenact section 16-18-06 of the North Dakota Century Code relating to absent voters' ballots, and providing a penalty."

It is far more important to encourage voters to exercise their privilege of voting than to chance discouraging voter participation by a cumbersome law of questionable necessity.

It is difficult for many of our citizens to arrange work hours, work trips and work locations in order to vote. To have to duplicate this effort to register would discourage voter participation in elections. Voter identity is not a problem in the vast majority of North Dakota precincts. It is a problem in only a few of the precincts in our larger cities. The law as found in Chapter 40, Section 21, subsection 10 of the North Dakota



Century Code does now permit the governing body of any city or village to require the registration of voters in any election held or conducted within the municipality at such time and place or places as the governing body may designate.

Because Senate Bill No. 263 would unnecessarily restrict the exercise of an individual's freedom to vote, I veto it.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

**§ 1. Registration of Electors—Duty of Assessor.)** All qualified electors in North Dakota shall be registered in their respective precincts before they will be authorized to vote at any statewide special, primary, or general election. The assessor at the time of assessing real and personal property shall require all qualified electors within his assessment district to register by signing their names in a registry presented by the assessor and provided by the county auditor. After each elector has signed the registry the assessor shall enter the address of such elector together with the precinct wherein he resides. The assessor shall attempt to procure the signatures of all of the electors in his assessment district if possible.

**§ 2. Duties of Other Officials.)** The village clerk in organized villages, the township clerk in organized townships, the city auditor in cities, and the county auditor in unorganized townships shall maintain a registry of electors for the purpose of allowing electors in their respective political subdivisions to register if such elector has not registered with the assessor.

**§ 3. Electors Not Registered Not Entitled to Vote—Exception.)** Any person who has not registered as provided in this Act prior to twenty-five days before any statewide special, primary, or general election shall not be permitted to vote at such election and shall not be authorized to register until after such election is held. The provisions of this Act regarding registration of voters shall not apply to those electors mentioned in subsections 1 through 4 of section 16-18-01, and such voters shall be authorized to vote without being registered as provided in this Act.

**§ 4. Registries To Be Forwarded to County Auditor.)** The assessor, village and township clerk, and the city auditor shall forward to the county auditor the signatures of all electors registered by them together with two typed copies of the name,

address, and precinct of each registered elector arranged in alphabetical order by their surnames and first name and middle initial in one column, their address in another column, and their precinct in a third column so that the same will reach the county auditor not later than fifteen days prior to any statewide special, primary, or general election. A copy of the registry sent to the county auditor shall be kept by the assessor, village and township clerk, and the city auditor and filed by him in his office so that the same can be kept current from year to year.

**§ 5. Register of Electors To Be Kept Current.)** Once an assessor has made the original registry of electors in his assessment district, he shall not require the electors to re-register provided such elector has not moved from one precinct to another. Each year during the time the assessor performs his duties as assessor he shall inquire as to the accuracy of the registry of electors, and if changes are required or additional electors must be registered, the assessor shall insure that the same are made. Thereafter in each year in which a statewide special, primary, or general election is held the assessor shall forward to the county auditor changes in the registry and the signatures of newly registered electors, together with two typed copies of the names, addresses, and precincts in the same manner, form, and within the same time limit as is provided in section 4 of this Act.

**§ 6. Duties of County Auditor — Inspector of Elections.)** Upon receiving the registry of electors from the assessors, village and township clerks, and the city auditors the county auditor shall compile a complete registry of electors for each precinct in the county arranged alphabetically by surname and first name and middle initial in one column, their address in another column, and the precinct in a third column. Two copies of the registry for each precinct shall be delivered or mailed by the county auditor to each person who will act as inspector of elections in every precinct in the county in time to reach such person prior to the date any statewide special, primary, or general election is held, if possible, and in any event not later than the time the polls open on such election day, and one copy of such registry shall be kept and filed by the county auditor in his office, which shall be kept current and brought up to date prior to any such election. Upon receipt of such registry the inspector of elections shall insure that no elector shall vote at any statewide special, primary, or general election unless such elector's name appears on such registry.

**§ 7. Penalty.)** Any person violating any of the provisions of this Act or who causes his name to be registered in more than one election precinct, or who causes his name to be

registered knowing that he is not a qualified elector in the precinct where he registers, or who impersonates any registered voter, or who aids or abets any person violating any of the above provisions shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

**§ 8. Amendment.)** Section 16-18-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16-18-06. Application Form.)** Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I, \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_ or of the village of \_\_\_\_\_ or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the state of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election. I (am) (am not) (cross out whichever bracketed words are not applicable) a member of the armed forces on active duty or his spouse or dependent, or a member of the merchant marine of the United States or his spouse or dependent, or a civilian employee of the United States serving outside the territorial limits of the United States or his spouse or dependent, or a member of a religious group or welfare agency assisting members of the armed forces who is officially attached to and serving with the armed forces or his spouse or dependent.  
 Date \_\_\_\_\_ Signed \_\_\_\_\_  
 Post Office \_\_\_\_\_

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason



whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

Provided that qualified electors in the military or naval service or the merchant marine of the United States of America shall not be required to file any formal application for an absent voters' ballot but each county auditor of each county in the state of North Dakota shall upon receiving any information whether in writing or otherwise as to the mailing address of any qualified elector in the military or naval service or the merchant marine of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting.

Disapproved March 16, 1961.

Filed March 17, 1961.

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## CHAPTER 396

S. B. No. 294

(Baeverstad)

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### ABSENT VOTERS' BALLOTS

#### AN ACT

To amend and reenact section 16-18-16 of the North Dakota Century Code, relating to submitting and delivering absent voters' ballots to inspector of elections, requiring auditor to obtain mail on election day and to deliver such ballots, empowering auditor to command the services of the sheriff or his deputy to deliver absent voters' ballots.

#### Veto

March 15, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Senate Bill No. 294 is "an act to amend and reenact section 16-18-16 of the North Dakota Century Code relating to submitting and delivering absent voters' ballots to inspector of elections, requiring auditor to obtain mail on election day and to deliver such ballots, empowering auditor to command the services of the sheriff or his deputy to deliver absent voters' ballots." The intent of the bill is to assure that absentee voter



ballots which arrive at the county auditor's office during election day, be delivered to and counted in the absent voter's precinct on election day. This intent is very commendable, but the mechanics of actual operation would be cumbersome, costly, and in many counties would involve sending the sheriff and his deputies to precincts as far as 75 miles from the county seat.

The problem of counting absentee ballots arriving at the county auditor's office on election day could be easily resolved without additional expense, if these ballots could be counted by the County Canvassing Boards as are military personnel ballots counted now.

I sympathize with the intent of the bill, but in the interest of economy and efficiency in an already cumbersome and costly election process, I veto Senate Bill No. 294.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

§ 1. **Amendment.**) Section 16-18-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16-18-16. Submitting Ballot to Inspector of Elections—Auditor to Obtain Mail on Election Day—Empowered to Require Sheriff to Deliver Ballots.)** If the envelope containing the absent voters' ballot is received by the county auditor prior to his delivery of the sealed package containing the official ballots to the inspector of elections of the precinct in which such absent voter resides, such ballot, after having been enclosed with the application in an envelope as required by section 16-18-15, shall be enclosed in such package and delivered therewith to the inspector of such precinct. If the official ballots for such precinct shall have been delivered to such inspector of elections at the time of the receipt by the county auditor of such absent voters' ballot, then the county auditor forthwith shall mail the same postage prepaid to such inspector of elections or otherwise shall deliver it to such inspector. It shall also be the duty of the auditor to obtain all incoming mail containing absent voters' ballots throughout the day of an election and deliver such ballots to such inspectors if such delivery is possible before the polls close. The auditor shall also be empowered to command the services of the sheriff or

any deputy of that county to effect such delivery who shall forthwith make every effort possible to deliver such ballots to such inspectors before the closing of the polls.

Disapproved March 15, 1961.

Filed March 15, 1961.

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## CHAPTER 397

H. B. No. 777

(Dahl, Skaar, Dick,)

(Tescher, Goebel)

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### OIL INSPECTION FEES

#### AN ACT

To amend and reenact section 19-10-19 of the North Dakota Century Code, relating to oil inspection fees.

#### Veto

March 13, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

House Bill No. 777, an act to amend and reenact Section 19-10-19 of the North Dakota Century Code, relating to oil inspection fees, would reduce state government revenues by approximately \$240,000 in the coming biennium.

Because the present inspection fee of 1/20th of a cent per gallon levied against all kerosene, gasoline, tractor fuel, heating or diesel fuel shipped into this state has been double the cost of inspection of these productions over the years, this fee has been a tax rather than a fee to cover specific services. In view of the serious biennial budget imbalance of state government spending in excess of state government revenue, once again adopted by the majority in this session of the Legislature, it is not wise to further aggravate the problem by lowering the State Laboratories' inspection fee to 1/40th of a cent per gallon.

Some of the functions of the State Laboratories Department could and should be eliminated. Such action would justify a reduction in income to the State Laboratories. Since the majority in the 37th Legislative Session did not see fit to

reduce the appropriations to the State Laboratories to offset the loss of state revenue which would result from approval of House Bill No. 777, I therefore veto this bill.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

**§ 1. Amendment.)** Section 19-10-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**19-10-19. Inspection Fees.)** Every person shipping or transporting kerosene, gasoline, tractor fuel, heating oil, or diesel fuel into this state for sale or consignment or with intent to sell or consign the same, or holding any such product for sale in this state, shall pay to the department an inspection fee of one-fortieth of a cent per gallon for each and every gallon thereof so shipped or transported into the state, or held for sale within the state. An inspection fee shall not be required for a shipment or consignment of gasoline, kerosene, tractor fuel, heating oil, or diesel fuel when the inspection fee has already been paid by another dealer. The fee shall accompany the monthly report required in the following section and shall be due on the first of each calendar month for the preceding month. Such fee shall become delinquent when ten days past due.

Disapproved March 14, 1961.

Filed March 14, 1961.

## CHAPTER 398

H. B. No. 850  
(Lowe, Aamoth)

## CHILD LABOR

## AN ACT

To create and enact sections 34-07-05.1 and 34-07-05.2, and to amend and reenact sections 34-07-01, 34-07-03, 34-07-05, 34-07-13, 34-07-15, 34-07-18, 34-07-19, 34-07-20, and 34-07-21, and to repeal sections 34-07-06, 34-07-07, 34-07-08, 34-07-09, 34-07-10, and 34-07-11, relating to child labor.

**Veto**

March 17, 1961

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

I transmit to you House Bill 850 without my approval. House Bill 850 is an act to create and enact sections 34-07-05.1 and 34-07-05.2, and to amend and reenact sections 34-07-01, 34-07-03, 34-07-05, 34-07-13, 34-07-15, 34-07-18, 34-07-19, 34-07-20 and 34-07-21, and to repeal sections 34-07-06, 34-07-07, 34-07-08, 34-07-09, 34-07-10, and 34-07-11, relating to child labor.

This bill was written to be administered by a proposed commissioner of labor. Since the 37th Session of the Legislature did not see fit to establish immediately a separate department of labor administered by a commissioner of labor, this bill calls for administration of child labor laws by a non-existent agency. In view of the success of the generally sound child labor laws now in existence in North Dakota and the ambiguity of House Bill 850, I veto it.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

§ 1. **Amendment.**) Section 34-07-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:



**34-07-01. Employment of Minor Under Fourteen Years of Age Prohibited.)** No minor under fourteen years of age shall be employed or permitted to work in, or in connection with, any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. No person, firm, or corporation shall employ any minor under sixteen years of age in any business or service whatever during any part of the hours conflicting with school classes of such minor when the public schools of the district in which the minor resides are in session.

**§ 2. Amendment.)** Section 34-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-03. Question of Age of Minor Employee—Who May Raise—Duties of Employer—Evidence Required.)** Any person, firm, or corporation employing in any factory, workshop, or mercantile establishment a minor who appears to be under the age of sixteen years and for whom an employment certificate is not filed as required by the provisions of this chapter, either shall furnish satisfactory evidence, by tender of a birth certificate or other proof if a birth certificate is not available, that such minor is over sixteen years of age or shall cease to employ such minor or to permit him to work in such factory, workshop, or mercantile establishment within ten days after a demand is made upon him that he do so by:

1. The county superintendent of schools;
2. The superintendent of schools of the municipality in which the child is employed or of which he is a resident;
3. The clerk of the school board or the secretary of the board of education of the school district of which the child is a resident;
4. The department of labor or its agent or representative;
5. Any member or representative of the county board of child welfare if such a board is maintained in the county in which such child is employed or resides;
6. Any school attendance or truant officer; or
7. Any other officer charged with the enforcement of child labor, compulsory school attendance, or other child welfare laws.

**§ 3. Amendment.)** Section 34-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-05. When Employment Certificate of Minor Required.)**

An employment certificate shall be in writing and shall be issued only after completion of the form prescribed in section 5 of this Act and may be issued by the superintendent of schools of the municipality in which the minor resides, if a superintendent is employed thereby, and if not, by the clerk or secretary of the school board or board of education of the school district in which the minor resides. No employment certificate shall be required for any minor then in, or who is about to enter, his own employment or the employment of a firm or corporation of which he is a member or officer.

§ 4.) Section 34-07-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**34-07-05.1. Application for Certificate of Employment—Form and Contents.)** No certificate of employment shall be issued until there has been submitted to the person authorized to issue the certificate a completed application for a certificate of employment in substantially the following form:

**Application for Certificate of Employment****1. TO BE FILLED OUT BY MINOR CHILD.**

I hereby apply for a certificate of employment. I am ..... years of age. I attend ..... School, which is located at the following address: ..... The name of my parent or guardian is ..... and the address of my parent or guardian is: ..... I intend to work for the following employer: .....

SIGN HERE: .....

**2. TO BE FILLED OUT BY PARENT OR GUARDIAN.**

I am the (father) (mother) (guardian) of the child whose signature appears above. I hereby give my consent to the employment of the child by the employer listed above.

SIGN HERE: .....

**3. TO BE FILLED OUT BY SCHOOL PRINCIPAL.**

I certify that the minor child listed above is enrolled in the school I administer, that I have examined the school record of this child, that the school record shows that this child is not unreasonably deficient in attendance, and indicate that this child is at least fourteen years of age.

SIGN HERE: .....

SCHOOL: .....

ADDRESS: .....

DATE: .....

§ 5.) Section 34-07-05.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

**34-07-05.2. Copies of Employment Certificate.)** All certificates of employment shall be issued in triplicate. One copy shall be issued to the minor, who shall deliver the certificate to his employer. One copy shall be kept on file in the issuing office. One copy shall be sent to the department of labor.

§ 6. **Amendment.)** Section 34-07-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-13. Certificate Returned to Minor Upon Termination of Employment.)** Upon the termination of the employment of any minor, his employer forthwith shall return the employment certificate to the minor. Such certificate shall be presented by the minor to any new employer employing such minor thereafter and shall be sufficient to authorize employment of the minor in any lawful occupation permitted by this chapter.

§ 7. **Amendment.)** Section 34-07-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-15. Maximum Hours of Labor of Minors Under Sixteen Years of Age—Notice To Be Posted.)** No minor under the age of sixteen years shall be employed or permitted to work at any occupation, except in domestic services and at farm labor, for more than forty-eight hours in any one week, nor for more than six days in any one week, nor for more than eight hours in any one day, nor before the hour of seven o'clock a.m. nor after the hour of seven o'clock p.m. Every employer shall post in a conspicuous place in every room where minors are employed, a printed notice stating the hours of work required of the minors each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or other meals. The printed form of such notice shall be furnished by the commissioner of labor. The employment of any minor for a longer period than that stated in the notice shall be a violation of this chapter.

§ 8. **Amendment.)** Section 34-07-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-18. Inspection of Factories and Establishments by Peace Officers—Report—Complaints.)** Peace officers may visit mines, factories, workshops, and mercantile establishments within their several jurisdictions to ascertain whether any minors are employed therein contrary to the provisions of this chapter. The peace officers shall report all cases of illegal



employment to the commissioner of labor. Such officers may require that the employment certificates and the lists of employees which an employer is required to keep under the provisions of this chapter be produced for inspection. Complaints for offenses under this chapter may be made by any peace officer or by any other person cognizant of the facts.

**§ 9. Amendment.)** Section 34-07-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-19. Duties of Commissioner of Labor — Prosecutions for Violations of Chapter.)** The commissioner of labor shall prepare all blanks necessary in the administration of this chapter, shall distribute such blanks to the school officers and authorities of this state, shall exercise general supervision over the administration of the provisions of this chapter, and shall enforce the same. He and his agents and representatives shall have full power of visitation and inspection of all factories, industries, and other establishments in which minors may be employed or permitted to work. All violations of this chapter brought to the attention of the commissioner shall be referred to the state's attorney of the proper county for prosecution.

**§ 10. Amendment.)** Section 34-07-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-20. Commissioner May Issue Orders with Reference to Employment of Minors.)** In addition to the powers vested in the commissioner of labor by the provisions of chapter 34-06, he may issue general and special orders with reference to the employment of minors and may prohibit the employment of minors in any employment or place of employment which is dangerous or prejudicial to the life, health, safety, or welfare of such minors. Any such regulation or order shall be in addition to the regulations specified in this chapter.

**§ 11. Amendment.)** Section 34-07-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**34-07-21. Penalty—Violation of Chapter—Certifying Labor Statement.)** Any person who shall employ any minor contrary to the provisions of this chapter or to any order or regulation issued by the commissioner of labor as provided in this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars for each separate offense. Any person who knowingly makes any false statement in an application for a certificate of em-



ployment shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars.

§ 12. **Repeal.**) Sections 34-07-06, 34-07-07, 34-07-08, 34-07-09, 34-07-10, and 34-07-11 of the North Dakota Century Code are hereby repealed.

Disapproved March 17, 1961.

Filed March 18, 1961.

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## CHAPTER 399

S. B. No. 232

(Hernett and Baeverstad)

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### DISQUALIFICATION FOR SOCIAL SECURITY BENEFITS

#### AN ACT

To amend and reenact section 52-06-02 of the North Dakota Century Code, relating to disqualification for benefits.

#### **Veto**

March 17, 1961

The Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Senate Bill No. 232 is an act to amend and reenact section 52-06-02 of the North Dakota Century Code relating to disqualification for benefits under unemployment compensation.

Since the close of the Thirty-seventh Legislative Session, there has arisen a serious question of non-conformity with federal unemployment compensation statutes. Since the unemployment compensation program is a joint state-federal effort, it is necessary for the various states to conform to some federal requirements. Legislation which could drastically change the present unemployment compensation program is now before Congress. North Dakota can avoid conformity problems by acting under present statutes. For these reasons I veto Senate Bill No. 232.

Sincerely yours,  
WILLIAM L. GUY  
Governor

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

**§ 1. Amendment.)** Section 52-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**52-06-02. Disqualification for Benefits.)** An individual shall be disqualified for benefits:

1. From the day on which he left his last employment voluntarily without good cause and until he can establish that he has earned remuneration for personal services in insured work equivalent to at least five times his weekly benefit amount;
2. From the day on which he was discharged for misconduct from his last employment and until he can establish that he has earned remuneration for personal services in insured work equivalent to at least five times his weekly benefit amount;
3. From the day on which he has failed, without good cause, either to apply for suitable work when directed by his employment service office, or the division; or to accept suitable work when offered him, until he can establish that he has earned remuneration for personal services in insured work equivalent to at least five times his weekly benefit amount;
4. For any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; provided that this subsection shall not apply if it is shown that:
  - a. He is not participating in or directly interested in the labor dispute which caused the stoppage of work; and
  - b. He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute; provided, that if in any case separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises; and provided further, that there shall not be deemed to be a stoppage of work in any

- factory, establishment, or other premises unless there shall be a substantial stoppage of work in each of said factory, establishment, or other premises;
5. For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States, provided, that if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply;
  6. For any week of unemployment if such individual has left his most recent work for the purposes of attending an educational institution; or if the individual is a student registered for full attendance at and is regularly attending an established school, college or university, or is on vacation within the school term;
  7. For any week in which he is partially or totally unemployed by reason of a disciplinary suspension of not more than thirty days by his employer for misconduct connected with his employment, and the bureau so finds;
  8. For one year from the date on which such individual has made a false statement for the purposes of obtaining benefits to which he was not lawfully entitled. Provided, this disqualification shall not apply to cases in which it shall appear to the satisfaction of the bureau that the said false statement was made by reason of a mistake or misunderstanding of law or of facts without fraudulent intent;
  9. For any week for which such individual is receiving or has claimed and will receive retirement payments under a retirement plan to whose financing any employing unit has substantially contributed or under any retirement system supported in whole or in part by public contributions or under both. If the retirement payment referred to is less than the benefits which would otherwise be due, claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such retirement payment raised to the next higher multiple of one dollar.

Disapproved March 17, 1961.

Filed March 18, 1961.