

VETOED MEASURES

CHAPTER 1

S. B. No. 1

(Committee on Appropriations)

STATE INSTITUTIONS OF HIGHER LEARNING

Note: The following line item was vetoed by the Governor. For the remainder of Senate Bill No. 1, see chapter 1.

§ 4. Transfer of Funds Between Line Items.) The board of higher education may authorize the expenditure of funds included within any line item of the total operating budget for any purpose authorized by any other line item included within the total operating budget for a given institution.

Disapproved March 17, 1965.

Filed March 20, 1965.

Item Veto

March 20, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

Section 4 of Senate Bill 1 permits the Board of Higher Education to authorize the expenditure of funds included within any lined item of the total operating budget of the state institutions of higher learning for any purposes authorized by any other line item included within the total operating budget for a given institution.

The Board of Higher Education by our State Constitution is now given broad discretionary powers in the expenditure of funds for higher education. Should Section 4 be followed as Board of Higher Education policy, the purposes of budgeting would be substantially lost. In order to protect budgeting procedure as established by the Budget Board and the Department of Accounts and Purchases, specific transfers between funds are authorized. Expenditures are then made from funds after they are transferred. The expenditure then shows in departmental accounts as expended from the proper account. The integrity of budgeting procedure is then protected. This is common procedure within all state departments when transfers are approved by the Emergency Commission.

I, therefore, item veto Section 4 in Senate Bill No. 1 in order that proper accounting procedure be safe-guarded without detriment to flexibility in institutional financing.

Sincerely,
WILLIAM L. GUY
Governor

CHAPTER 2

S. B. No. 2

(Committee on Appropriations)

EXTENSION DIVISION AND EXPERIMENT STATIONS

Note: The following line item was vetoed by the Governor. For the remainder of Senate Bill No. 2, see chapter 2.

§ 4. Transfer of Funds Between Line Items.) The board of higher education may authorize the expenditure of funds included within any line item of the total operating budget for any purpose authorized by any other line item included within the total operating budget for a given experiment station and extension division.

Disapproved, March 20, 1965.

Filed March 20, 1965.

Item Veto

March 20, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

Section 4 of Senate Bill 2 permits the Board of Higher Education to authorize the expenditure of funds included within any lined item of the total operating budget of the extension division and experiment stations of North Dakota State University for any purposes authorized by any other line item included within the total operating budget for a given institution.

The Board of Higher Education by our State Constitution is now given broad discretionary powers in the expenditure of funds for higher education. Should Section 4 be followed as Board of Higher Education policy, the purposes of budgeting would be substantially lost. In order to protect budgeting procedure as established by the Budget Board and the Depart-

ment of Accounts and Purchases, specific transfers between funds are authorized. Expenditures are then made from funds after they are transferred. The expenditure then shows in departmental accounts as expended from the proper account. The integrity of budgeting procedure is then protected. This is common procedure within all state departments when transfers are approved by the Emergency Commission.

I, therefore, item veto Section 4 in Senate Bill No. 2 in order that proper accounting procedure be safe-guarded without detriment to flexibility in institutional financing.

Sincerely,
WILLIAM L. GUY
Governor

CHAPTER 459

S. B. No. 46

(Longmire, Kautzmann, Solberg, Morgan, Forkner)

(From LRC Study)

ELIGIBILITY OF CERTAIN WELFARE RECIPIENTS

AN ACT

To amend and reenact subsection 2 of section 32-36-08, and sections 50-09-05, and 50-09-23 of the North Dakota Century Code, providing for denial of eligibility for aid to dependent children so long as custodial parent refuses to cooperate in enforcing parental obligations, relating to the commencement of an action to determine paternity, and providing that any person willfully misusing aid to dependent children payments is guilty of a misdemeanor.

Veto

March 3, 1965

The Honorable Charles Tighe
President of the Senate
Bismarck, North Dakota

Dear Mr. President:

Senate Bill 46 has to do with much of the sadness that exists in our everyday world. It has to do with the relationship of dependent children to a widowed mother, an unwed mother, or foster parents. It has to do with the relationship of the community, of our government, and of our charitable institutions in the rehabilitation of some unfortunate mothers needing help . . . help to reflect to their child or children a sense of belonging in our society. It has to do with the relationship of the courts, including the juvenile court, the state's attorney's

office, and county and state welfare personnel, all carrying out an assignment to fulfill the obligation of our benevolent and compassionate system of government.

This bill attempts to correct abuses which are but a minor part of our generally excellent welfare system. In paternity cases, the unyielding language of this proposed law could, in some instances, create a chain reaction of sorrow and shame to children in another family. It could create multiple rehabilitation problems where only one existed before.

The language of this bill, which uses the phrase, "Any person having the custody or control of a child qualified to receive grants or payments for aid under the terms of this chapter shall be disqualified from receiving such payments by reason of refusing to cooperate with the county welfare agency or the state's attorney," opens up a multitude of interpretations of the word "cooperate."

The concern for the dependent child must be paramount over our concern for possible abuses in a mother's handling of welfare money. Any law which causes a child to find himself or herself regarded as a pawn in a government program closely policed by those who may not be versed in social welfare is self-defeating. The emotional strain to a dependent child in finding himself or herself no longer the private property of a family or mother, but public property set apart from other children, is a real danger under a law such as this which intensifies surveillance of a family by those who might be untrained in social work.

I have received strong appeals from judges, ministers, professional welfare workers, and Catholic, Protestant, and non-denominational welfare agencies, to veto this bill. I take note that both the Senate and House committees, which delved deeply into the repercussions that would come about from this Act, recommended that the bill not become law. I concur with the committees' judgment and agree with the observations of the many who have communicated to me, and veto Senate Bill 46.

Sincerely yours,
WILLIAM L. GUY
Governor

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

§ 1. Amendment.) Subsection 2 of section 32-36-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If the child is or is likely to be a public charge, by a representative of the county or state public welfare board or any of the authorities charged with its support;

§ 2. **Amendment.)** Section 50-09-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-23. Fraudulent Acts—Falsely Obtaining or Using Assistance Grants—Penalties—Care of Children During Confinement.)

1. Whoever knowingly obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or representation, by impersonation, or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is justly entitled, is punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the penitentiary or the county jail, or by both such fine and imprisonment. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

2. Any person, applicant, or caretaker other than a needy dependent child, who willfully and knowingly receives or uses any part of an assistance grant paid pursuant to this chapter for a purpose other than support of the needy children is guilty of a misdemeanor, and subject to punishment by imprisonment in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment. Any person, applicant or caretaker, having custody of a dependent child and eligible to receive assistance for the care of such child, who is sentenced to imprisonment in the county jail upon being convicted for violating the provisions of this subsection, shall not be eligible to receive any aid to dependent children assistance during the time such applicant or caretaker is confined in the county jail. Upon order of the juvenile court, dependent children under the care of such person, applicant or caretaker imprisoned for violating the provisions of this subsection shall be placed in a foster home or under the care of a responsible person for such period as the applicant or caretaker is confined in the county jail.

§ 3. **Amendment.)** Section 50-09-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-05. Eligibility for Assistance.) Aid shall be granted under this chapter to any needy dependent child as defined in section 50-09-01:

1. Who has resided in the state for one year immediately preceding the date of application; or
2. If under the age of one year at the time of application:
 - a. Whose mother has resided in the state one year immediately preceding the birth of the child; or
 - b. Who has resided in the state during his lifetime and whose mother has resided in the state for so many months, immediately preceding his birth as added to the age of the child, aggregate one year immediately preceding the date of application; or
3. If unborn, whose mother has resided in the state for one year immediately preceding the date of application; or
4. Who is living in a boarding home licensed under the laws of North Dakota or, if in another state, meeting standards determined by the state agency to be comparable to those required for licensing in North Dakota; or in a home or institution maintained and operated or selected by a private agency; or
5. Any person having the custody or control of a child qualified to receive grants or payments for aid under the terms of this chapter shall be disqualified from receiving such payments by reason of refusing to cooperate with the county welfare agency or the state's attorney. This section shall not be construed as denying assistance and care to such child through its legally entitled representative or temporary custodian.

Disapproved March 3, 1965.

Filed March 15, 1965.

CHAPTER 460

S. B. No. 160

(Ringsak, Torgerson, Walz, Longmire, Chesrown)

REVOCATION OF DRIVING PRIVILEGES

AN ACT

To amend and reenact section 39-20-04 of the North Dakota Century Code, relating to the revocation of licenses, permits, or driving privileges upon refusal to submit to chemical testing.

Veto

March 15, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

The death and injury rate on our highways is appalling. Property destruction by vehicles has sent insurance premiums soaring. As little people, we have at times seemed both powerless and apathetic to do those things which we know in our hearts would save lives and property on our highways.

Senate Bill 160 amends our present North Dakota law to make it easier for a suspected intoxicated driver to avoid submitting to chemical testing. Our present laws on chemical testing for drunken driving are in conformity with the Uniform Code adopted by many states. Senate Bill 160 would relax our conformity with the Uniform Code.

Since drunken driving is the proven cause of so much death and destruction on our highways, I think we should strengthen our highway safety laws rather than weaken them. I therefore veto Senate Bill 160.

Sincerely yours,
WILLIAM L. GUY
Governor

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

§ 1. **Amendment.)** Section 39-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of Privilege to Drive Motor Vehicle Upon Refusal to Submit to Chemical Testing.) If a person under arrest refuses to submit to chemical testing, none shall

be given, but the state highway commissioner, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the test or tests, shall revoke his license or permit to drive and any nonresident operating privilege for a period of sixty days; or if the person is a resident without a license or a permit to operate a motor vehicle in this state the commissioner shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Disapproved March 15, 1965.

Filed March 15, 1965.

CHAPTER 461

S. B. No. 172

(Van Horn, Urdahl)

DRIVER'S LICENSE POINT SYSTEM

AN ACT

To create and enact section 39-06-32.1 and to amend and reenact section 39-06-04, subsection 2 of section 39-06-32, and section 39-06-33 of the North Dakota Century Code, relating to the time that driver's permits shall be effective and providing a point system for the suspension of motor vehicle operators' licenses.

Veto

March 20, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

We are living in an age of increasing traffic congestion. We are experiencing a rising toll of fatalities, injuries, and property damage due to accidents on our highways. This is the time when greater effort should be made to increase the responsibility expected of all our drivers. This cannot be accomplished by weakening our drivers license system, or passing legislation which makes it increasingly difficult to suspend the licenses of offenders. Senate Bill 172 would create a new breed of chronic traffic offenders who would drive according to their accumulated points rather than from a respect for traffic laws.

Senate Bill 172 would be a serious step backward since it would practically eliminate the suspension of drivers' licenses within North Dakota for violations except in extreme cases involving a multiple offender.

The suspension of licenses is, at least to some degree, a measure of protection against the speeding, reckless, dangerous drivers and must be preserved.

I, therefore, veto Senate Bill 172.

Sincerely,
WILLIAM L. GUY
Governor

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

§ 1. Amendment.) Section 39-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-04. Instruction Permit.) Any person may apply to the commissioner for an instruction permit. The commissioner may in his discretion issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed operator who has had at least one year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period.

§ 2. Amendment.) Subsection 2 of section 39-06-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Has compiled a total of twelve points within a two-year period as provided in section 39-06-32.1;

§ 3.) Section 39-06-32.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

39-06-32.1. Suspension of Licenses Under Point System.)

1. In addition to, but not in substitution for, any other provisions of this title, the commissioner shall after notice to the general public put into effect a point system for the suspension of motor vehicle operators' licenses issued under this section. Points shall be charged against a licensee after conviction of a violation under the motor vehicle laws of this state. Point values shall be assessed as follows:

- a. Speeding, 1 to 5 miles over speed limit.....No points
- b. Speeding, 6 to 10 miles over speed limit.....2 points
- c. Speeding, 11 to 15 miles over speed limit.....3 points
- d. Speeding, 16 miles or more over speed limit..4 points
- e. Reckless driving4 points
- f. Aggravated reckless driving6 points
- g. Driving on wrong side of roadway.....2 points
- h. Failure to yield right-of-way.....2 points
- i. Failure to signal or improper signal.....2 points
- j. Following too closely2 points
- k. Failure to dim headlights.....2 points
- l. Improper turn2 points
- m. Improper passing2 points
- n. Disobeying stop light or sign.....2 points
- o. Leaving scene of accident6 points
- p. Careless driving4 points
- q. Failure to report an accident.....3 points
- r. Any moving violation not listed and not
contributing to an accident2 points
- s. Violations contributing to an accident.....4 points

2. Whenever a conviction occurs on multiple charges based on offenses alleged to have been committed at the same time or arising out of circumstances simultaneous in time and place, points shall be assessed against the person so convicted only on the charge which has the highest point assessment and shall not be assessed with respect to the remainder of such multiple charges.

3. The commissioner shall send a warning letter to each licensee charged with eight points notifying such licensee that his operator's license may be suspended upon an accumulation of twelve points within any two-year period. When any licensee has accumulated twelve points within any two-year period the commissioner may suspend the operator's license of such licensee.

4. No points assessed hereunder shall be retained for two years after their assessment.

§ 4. **Amendment.)** Section 39-06-33 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-33. Hearing Subsequent to License Suspension.) Upon suspending the license of any person as authorized in sections 39-06-32 and 39-06-32.1, the commissioner shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind his order of suspension or, good cause appearing therefor, may continue, modify, or extend the suspension of such license or revoke such license.

Disapproved March 20, 1965.

Filed March 20, 1965.

CHAPTER 462

H. B. No. 618

(Stallman, Hoffner, Olienyk)

APPROPRIATION FOR PUBLICATION OF SERVICE RECORDS

AN ACT

Making an appropriation for the completion of the compilation and publishing of the records of those who served in World War II and the Korean hostilities.

Veto

March 20, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

House Bill 618 provides for appropriation of \$67,840.00 out of Korean Conflict Adjusted Compensation Fund for the purpose of compiling and printing service records of veterans of World War II and the Korean hostilities. This amount of money is totally inadequate to complete such an ambitious project

and would require substantial appropriations in subsequent legislative sessions.

Article 65 of the North Dakota Constitution authorized the issuance of bonds of the State of North Dakota not to exceed \$9 million for the payment of adjusted compensation to North Dakota veterans of the Korean Conflict. Chapter 371 of the 1959 Session Laws amended Section 54-39-02 which provides, "Such issuance of bonds is authorized for the *sole purpose* of providing funds to be used in payment of adjusted compensation to North Dakota veterans of the Korean Conflict . . . when the purpose of such appropriation has been satisfied, all remaining moneys should be transferred to the Sinking Fund for such issue of bonds."

Because of the above constitutional provision and existing statutes, I requested an opinion from the Attorney General regarding the validity of the appropriation provided for in House Bill 618. This opinion, dated March 17, 1965, indicated grave doubt existed whether this bill could successfully withstand a constitutional challenge and be deemed a valid act or appropriation on the basis that it is for a purpose other than for which the tax was levied under Chapter 243, Section 8 of the 1957 Session Laws, except if, in fact, there is a surplus of moneys available in excess of the requirements to pay off the principal and interest of the outstanding bonds. House Bill 618 appropriates moneys received from the sale of bonds. The sale of these bonds were authorized by the vote of the people to pay veteran bonuses and for that purpose only.

Because of the original specific purpose of providing funds to be used in payment of these bonds as authorized by the people of North Dakota, and because I feel compelled to look at the amount in the Sinking Fund as it may presently exist, it is my conclusion that any appropriation or other use of these funds at this time for a purpose other than what was originally intended is entirely premature since the last bonds will not be retired until 1969.

I, therefore, veto House Bill No. 618.

Sincerely,
WILLIAM L. GUY
Governor

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

§ 1.) There is hereby appropriated out of the Korean Conflict adjusted compensation fund in the state treasury the sum of \$67,840.00 or so much thereof as may be necessary, to the

adjutant general for the purpose of completing the compilation and printing of the service records of veterans of World War II and the Korean hostilities as directed by section 37-03-12 of the North Dakota Century Code for the biennium beginning July 1, 1965, and ending June 30, 1967. The funds hereby appropriated and designated shall be expended for and only as prescribed by this Act. Any unexpended funds shall revert to the Korean Conflict adjusted compensation fund.

Disapproved March 20, 1965.

Filed March 20, 1965.

CHAPTER 463

H. B. No. 927
(Olienyk)

NOTICE OF REAL ESTATE TAXES DUE

AN ACT

To amend and reenact section 57-20-07 of the North Dakota Century Code, to provide for giving notice of amount of real estate taxes due.

Veto

March 17, 1965

The Honorable Ben Meier
Secretary of State
Bismarck, North Dakota

Dear Mr. Meier:

House Bill 927 requires that each county treasurer, on receipt of the tax list from the county auditor, send written notice to each owner of assessed land informing him of the amount of real estate taxes due thereon and other pertinent information.

In theory, this bill is designed to serve a worthy purpose, and treasurers in nine counties do now send out such statements. In practice, however, I believe that this stipulation would work an immediate and unnecessary hardship on more than half of the counties in our state.

Its first effect would be to require twenty-nine counties to hire additional help in order to comply with the law, or to purchase expensive billing machinery. It would be, in practice, a luxury that many of our smaller counties cannot afford.

Other consequences would include a duplication of records within the county; the problem of mailing out notices by the treasurer prior to January 1, even though the auditor is not required to give the tax lists to the treasurer until January 1; and the difficulties this would impose on the treasurers in relation to special assessments in cities and school district annexation proposals.

The practice now is that those property owners who desire an early real estate tax statement need only apply to the county treasurer in order to obtain it. It is also worthy of note that the percentage of real estate taxes collected in those counties now mailing out real estate tax notices is no higher than in the counties which do not mail out notices.

I therefore veto House Bill 927.

Sincerely yours,
WILLIAM L. GUY
Governor

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

§ 1. **Amendment.)** Section 57-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-20-07. County Treasurer To Be Collector of Taxes—To Give Notice of Amount of Real Estate Taxes.) The county treasurer shall be the receiver and collector of all taxes extended upon the list, including the state levy and the levies of every other taxing district or municipality, and including special taxes for local improvements in municipalities, and all fines, forfeitures, or penalties received by any person or officer for the school fund, or for the use of the county. He shall proceed to collect the same according to law, and shall place the same when collected to the credit of the proper funds, but he shall not be the receiver or collector of any fines or penalties accruing to any municipal corporation for the violation of its ordinances.

As soon as the county treasurer receives the tax lists from the county auditor, he shall give to each owner of any lot or tract of land assessed a written notice mailed to the owner's last known address in which is given the legal description of such lot or tract, the amount of real estate taxes due thereon, the amount of discount, if any, for early payment of such taxes, the date when such taxes shall become delinquent if not paid, the amount of penalties and the dates on which they attach if the taxes are not paid, and that if such taxes and

penalties, if any, are not paid, the lot or tract will be sold for delinquent taxes on the second Tuesday in December following. If two or more lots or tracts are owned by the same owner or owners, the required information for each lot or tract may be included in a single notice to the owner or to each owner if there are two or more. The failure of any property owner to receive such notice shall in no way invalidate the tax or penalty due on any lot or tract.

Disapproved March 17, 1965.

Filed March 17, 1965.