

MILITARY AFFAIRS

CHAPTER 174

S. B. No. 137—(Day)

ACKNOWLEDGMENTS OF PERSONS IN MILITARY SERVICE VALIDATED

An Act Providing for Acknowledgements by Persons Serving in or with the Armed Forces of the United States Within or Without the United States, and Validating Acknowledgements made since September 16, 1940 in Accordance with the Provisions of this Act and declaring an Emergency.

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

§ 1. ACKNOWLEDGMENTS BY PERSONS SERVING IN OR WITH THE ARMED FORCES OF THE UNITED STATES WITHIN OR WITHOUT THE UNITED STATES.] In addition to the acknowledgments of instruments in the manner and form and as otherwise authorized by the laws of the State of North Dakota, any person serving in or with the armed forces of the United States may acknowledge the execution of an instrument wherever located before any commissioned officer in active service of the armed forces of the United States with the rank of Second Lieutenant or higher in the Army or Marine Corps, or Ensign or higher in the Navy or United States Coast Guard. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in the following form:

On this-----day of-----, 19---- be-
fore me-----the undersigned officer,
personally appeared-----known to
me (or satisfactorily proven) to be serving in or with the armed
forces of the United States and to be the person whose name is
subscribed to the within instrument and acknowledged that---he---
executed the same for the purposes therein contained. And the under-
signed does further certify that he is at the date of this certificate
a commissioned officer of the rank stated below and is in the active
service of the armed forces of the United States.

Signature of Officer.

Rank of Officer and Command to which attached.

§ 2. VALIDATION OF ACKNOWLEDGMENTS HERETOFORE TAKEN.] Any and all acknowledgments taken before the effective date of this Act, and subsequent to the 16th day of September, 1940, in substantial compliance with the terms of this Act are hereby declared legal and valid for all purposes and to the same extent as acknowledgments taken subsequent to the effective date hereof.

§ 3. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

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

Approved March 5, 1943.

CHAPTER 175

H. B. No. 170—(Fitch)

BENEFIT RIGHTS, PERSONS IN MILITARY SERVICE

An Act to amend and re-enact Chapter 262, Laws of 1941, relating to the preservation of the right to benefits under the North Dakota Unemployment Compensation Law for persons entering the military or naval service during the period of such service, extending the provisions thereof to members of the auxiliary military or naval services, extending and limiting the time of preservation of such rights, providing necessary definitions, authorizing the Unemployment Compensation Division to receive and disburse funds provided by the United States Government for any special unemployment compensation programs, repealing the inconsistent provisions and declaring an emergency.

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

§ 1. AMENDMENT.] Chapter 262, Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 1. Notwithstanding any inconsistent provisions of Chapter 232, Laws of 1937, as amended, the benefit rights of war service claimants, as that phrase is hereinafter defined, shall be determined in accordance with the following provisions of this Act. Except as herein otherwise provided, all other provisions of Chapter 232, Laws of 1937, as amended, shall continue to be applicable in connection with such benefits.

§ 2. DEFINITIONS.]

A. The term "military service" as used in this Act means active

service in the United States Army, Navy, Marine Corps, or Coast Guard or any organized branch thereof, or similar branches of the military or naval forces of the allies of the United States.

B. The term "war service claimant" as used in this Act means an individual who entered military service after October 1, 1940, and who continued in such service for not less than 30 consecutive days, and whose military service was terminated before July 1, 1945, and who at some time within 18 months after the last day of such active service has filed a claim for benefits under this Act.

C. The term "benefit year" as used in this Act means the one-year period beginning on the day on which he files a claim for benefits under this Act and is found to be eligible for payment of benefits. Provided, however, that any war service claimant who had a current benefit year at the time of his entry into military service may elect to continue such benefit year for the period beginning on the day on which he files a claim for benefits under this Act, and continuing thereafter for as long a period as the benefit year current at the time of his entry into military service had to run.

D. The term "base period" as used in this Act shall be the four completed calendar quarters prior to his entry into military service plus any uncompleted calendar quarter prior to such entry.

§ 3. The provisions of this Act shall not be construed to waive the requirement for a waiting period, as otherwise provided in Chapter 232, Laws of 1937, as amended, for the payment of benefits, nor any other requirement of Chapter 232, Laws of 1937, as amended, with respect to the filing of claims, except as herein otherwise expressly provided.

§ 4. If, under an Act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, and such Act of Congress provides for the payment of such benefits through the unemployment compensation agencies of the various states, the Unemployment Compensation Division of the Workmen's Compensation Bureau is authorized to enter into agreement with the agency established by the United States for the payment of such benefits, to receive and disburse funds in accordance with such regulations as the established agency shall provide.

§ 5. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved March 9, 1943.

CHAPTER 176

H. B. No. 99—(Committee on Military Affairs)

NORTH DAKOTA STATE GUARD

An Act making an appropriation to provide funds for the maintenance of the North Dakota State Guard, as provided for under Chapter 230 of the North Dakota Session Laws of 1941, and to meet other requirements prescribed by the Federal Statutes, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$45,000.00, consisting of a regular fund in the sum of \$20,000.00, and an emergency fund in the sum of \$25,000.00, or so much thereof as may be necessary, to provide equipment and proper maintenance for the North Dakota State Guard as prescribed in Chapter 230 of the North Dakota Session Laws of 1941, and to meet other requirements prescribed by the Federal Statutes for the biennium ending June 30, 1945; provided that expenditures shall be made from the Emergency Fund only when approved by the Governor.

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

Approved March 6, 1943.

CHAPTER 177

S. B. No. 140—(Committee on State Affairs)

POST WAR PLANNING BOARD

An Act to Create a State Post-War Planning Board, Prescribing its powers and duties and making an Appropriation therefor.

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

§ 1. (a) There is hereby created a State Post-War Planning Board which shall consist of nine members, two of whom shall be members of the Senate to be selected by the Senate, two of whom shall be members of the House of Representatives to be selected by the House of Representatives, which four members, selected by the

Senate and House, shall represent Agriculture, and four to be appointed by the Governor, one a representative of labor, one a representative of industry, one a representative of the veterans' organization of the First World War, and one shall be an educator, and one to be selected by the other eight members. The members shall serve at the pleasure of the Governor, and in the event of a vacancy from any cause, the vacancy shall be filled by the Governor.

(b) Each member shall receive the sum of Five Dollars (\$5.00) per day as compensation for his services while actually engaged in the performance of the duties of his office, and shall be reimbursed for his actual and necessary expenses incurred in connection therewith. The Board shall designate one of its members as Chairman; and it may employ a secretary, who may be a member of the Board, and such other clerical, professional and technical personnel as it deems necessary, prescribe their duties and fix their compensation.

§ 2. In order that the State may be prepared to deal effectively with the many post-war rehabilitation problems that will arise, provide aid and protection for those citizens of the State so that they will not (been) be adversely affected by post war conditions and so that there will be no dislocations and disruptions caused by the war, and to prevent undue hardships, the Board shall have the power and it shall be its duty:

- (1) To formulate, develop and organize a comprehensive post-war rehabilitation program for the benefit of returning war veterans, war industry workers, farmers, businessmen, professional men and other citizens of the State who have been or who will be physically or economically handicapped as a result of the war and who are or will be in the need of assistance in securing employment, or in becoming re-established in agriculture, business, or other usual occupations on a self-supporting basis.
- (2) To cooperate with and secure the assistance of the Federal Government, or any agencies thereof, in formulating any such program, and coordinate such program, as nearly as may be, with any post-war rehabilitation program adopted or planned by the Federal Government, to the end that the State may secure the full benefit of any such Federal rehabilitation program.
- (3) To exercise such additional powers, not inconsistent with the provisions of this act, as may be necessary and expedient to accomplish the general objectives of this act.
- (4) To make a full report of such rehabilitation program to the next session of the Legislature, which report shall contain recommendations as to methods and procedures for carry-

ing such program into effect immediately after the war, or when the need becomes apparent, and to devise and recommend suitable measures to finance such program.

§ 3. All public officials, both State and local, shall upon request, furnish to the Board such available information as it may require for its purposes.

§ 4. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of thirty thousand and no/100 dollars (\$30,000.00) or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Approved March 17, 1943.

CHAPTER 178

H. B. No. 248—(Delayed Bills Committee)

RECORDING DISCHARGE PAPERS

An Act providing for the recording of discharge papers from the National Guard, The Army, Navy, Marine Corps and other branches of the military forces, and declaring an emergency.

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

§ 1. It is hereby provided that those discharged from the National Guard, the Army, the Marine Corps and other branches of the armed forces of the United States, may record their discharge papers in the office of the Clerk of the District Court of the County in which they reside, and such recording shall have the same force and effect as the recording of other instruments.

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

Approved March 6, 1943.

CHAPTER 179

S. B. No. 108—(Wog)

VACANCIES IN PUBLIC OFFICE CAUSED BY MILITARY
SERVICE, HOW FILLED

An Act to provide for Acting Officials in Absences Caused by Induction into the Military Service of Incumbent Officers, and Declaring an Emergency.

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

§ 1. HOW OFFICES FILLED.] When the incumbent of any elective office in this state is unable to discharge the duties of his office by reason of his service in the Army, Navy, or Marine Corps of the United States, an Acting Official who shall have all the powers of the incumbent shall be appointed in the same manner that an appointment would be made in case of a vacancy in office, the appointment being made from a list of three names which shall be submitted by the incumbent to the appointing body or officer within thirty days after leaving for the service. Where the incumbent has already entered the Military service he shall within thirty days after the passage and approval of this act file his list of three names with the appointing body or officer. If the incumbent fails to submit his list of names the appointing body or officer shall make the appointment of the acting official without regard to the incumbent's wishes. Provided, however, the Acting Official shall serve, and his tenure of office shall be terminated immediately upon the incumbent filing a 'Notice of his return' with the Secretary of State in instances where it is a state official, or with the Register of Deeds of the County when the incumbent is an official of the County or any of its sub-divisions.

§ 2. EMERGENCY.] Whereas, no provision is now made for the appointment of Acting Officials, this act is declared to be an emergency measure, and shall be in full force and effect upon its passage and approval.

Approved March 12, 1943.

CHAPTER 180

H. B. No. 100—(Committee on Military Affairs)

VETERANS' POST WAR REHABILITATION RESERVE
FUND

An Act Creating a Veterans' Post-War Rehabilitation Reserve Fund, and Providing for the transfer of monies thereto and for the maintenance and investment thereof.

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

§ 1. There is hereby created a Veterans Post-War-Rehabilitation Reserve Fund which shall consist of monies transferred or credited thereto, pursuant to the provision of this Act and by other laws.

§ 2. The funds shall be expended as directed and appropriated by the Legislature for the sole purpose of financing in whole or in part, the cost of a State Post-War rehabilitation program, for the benefit of veterans of the present war, at such time and under such conditions as the legislature shall, by other laws, prescribe.

§ 3. The sum of \$500,000.00 shall be transferred to the fund on July 1, 1943, from any monies in the State Treasury not otherwise appropriated, and a like sum on July 1, 1944.

§ 4. The funds shall be kept separate and apart from other funds. The State Treasurer, subject to the approval of the Industrial Commission, shall be authorized to invest all or any part of the fund in such securities as are legal for the investment of State funds, including bonds and other securities of the United States, and the income which shall accrue to the fund.

Approved March 17, 1943.

CHAPTER 181

S. B. No. 139—(Committee on State Affairs)

WAR DEPARTMENT, HIGHWAY ADVISORY COMMITTEE

An Act to Facilitate the efficient transportation of persons and property needed for the effective prosecution of the war, to Authorize State cooperation with the officers and agencies of the United States in respect thereof, granting certain Emergency Powers to the Governor in relation thereto, Creating a State Highway Advisory Committee to the War Department, Defining its powers and duties, and Making an appropriation therefor, and declaring an emergency.

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

§ 1. DECLARATION OF POLICY.] In order to insure the continued availability and use of facilities needed for such transportation of persons and property as is deemed essential to the prosecution of the war, or to the domestic war-time economy of the State, or the United States, it is hereby found and declared to be necessary, in the interest of the defense of the State and of the United States, that a State Highway Traffic Advisory Committee be created, and that the Governor be granted certain emergency powers relating to the transportation of persons and property upon the highways and streets in the State.

§ 2. CREATION OF STATE HIGHWAY TRAFFIC ADVISORY COMMITTEE.] There is hereby created the North Dakota State Highway Traffic Advisory Committee to the War Department, hereafter referred to as the "Highway Traffic Advisory Committee", to be composed of the State Highway Commissioner, the State Highway Patrol Superintendent, the State Motor Vehicle Registrar, the Chairman of the Public Service Commission and the Attorney General. The State Highway Commissioner shall serve as Chairman of such committee.

§ 3. POWERS AND DUTIES.] The Highway Traffic Advisory Committee is vested with the following powers and duties:

- (1) To cooperate with the agencies of this and other States and of the Federal Government connected with the war effort, in the formulation and execution of plans for the safe and expeditious movement, via highway, of military troops, vehicles, war products, supplies, material, and persons concerned with the war effort.
- (2) To coordinate the activities of the State Highway Commissioner, the State Highway Patrol Superintendent, the State Motor Vehicle Registrar, the Public Service Commission and the Attorney General in a manner which will best serve

to effectuate any transportation plan designed for the safe and expeditious movement of war traffic as referred to in paragraph (1) of this section.

- (3) To solicit the cooperation of officials of the various political subdivisions of the State in proper execution of such plans.
- (4) To assist in the maintenance of an inventory, by counties, of the trucks and buses in the State, publicly and privately owned, which would be available in case of an emergency affecting the war effort.
- (5) To investigate, advise and make appropriate recommendations to the Governor respecting the execution of certain emergency powers hereinafter conferred upon the Governor in connection with the suspension of laws, ordinances and regulations pertaining to maximum rates of speed of motor vehicles operated on the highways and streets, and prescribing regulations in respect to such matters and other matters hereinafter specified, and to aid the Governor in the exercise of such emergency powers.

§ 4. COMPENSATION.] The members of the Highway Traffic Advisory Committee shall serve without compensation. The Committee may employ an Executive Director at a salary not to exceed the sum of eighteen hundred dollars per annum, to be fixed by the Committee, and whose duties shall be prescribed by the Committee; and the Committee may employ such other personnel as it may deem necessary and fix their compensation.

§ 5. EMERGENCY POWERS OF GOVERNOR.] The Governor is authorized and empowered to cooperate with any officer or agency of the United States directly or indirectly charged with responsibility for facilitating the transportation of persons or property and concerned with the conservation and provident utilization of vital transportation equipment, materials or supplies. In furtherance of such cooperation, the Governor shall have power, by Executive Order, when requested by the President of the United States, the Secretary of War, the Secretary of the Navy, the Attorney General of the United States, or by any officer or agency of the United States, and when it has been recommended by the Highway Traffic Advisory Committee, or a majority thereof.

- (1) To suspend or modify the enforcement of any statute or regulation relating to the operation of motor vehicles upon the highways and streets in the State where it appears that the enforcement of such statute, ordinance or regulation would hinder, impede or interfere with the proper conduct of the war;
- (2) To prescribe maximum rates of speed at which any motor

vehicle may be operated on any highway or street in this State;

- (3) To prescribe the sizes and load weights of such motor vehicles;
- (4) To suspend the enforcement of any statute or regulation levying or assessing any license or other fee, or requiring the issuance of any temporary or other permit or license, insofar as such statute or regulation relates to the entry into or privilege of operation in this state of any motor vehicle, including buses and house trailers, registered in any other State, and with respect to which a valid and unexpired license has been issued by such State;
- (5) To prescribe reasonable regulations for the proper conservation and provident utilization of the highways and streets, and of vital transportation equipment and materials and supplies used in connection therewith; and,
- (6) To amend, revoke or suspend any such Executive Order or regulation, from time to time, when such action is recommended by the Highway Traffic Advisory Committee, or a majority thereof.

§ 6. REPORT TO LEGISLATURE.] The Governor shall report to the Legislature at its next Session the proceedings taken by him pursuant to this Act, which report shall include copies of all Executive Orders or regulations promulgated by him pursuant to the provisions of this Act.

§ 7. PENALTIES.] Any person who violates any of the provisions of this Act, or of any order, rule or regulation promulgated by the Governor pursuant to this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$100.00, or by imprisonment in the County jail for not more than thirty days, or both such fine and imprisonment.

§ 8. SEVERABILITY.] If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

§ 9. TERMINATION.] This Act shall be in force and effect for the duration of the war unless sooner terminated by the proclamation of the Governor, and the Governor may, at any time after the cessation of hostilities between the United States and the Nations with which it is now at war, terminate this Act by proclamation.

§ 10. APPROPRIATION.] There is hereby appropriated out of

any monies in the State Treasury in the Motor Registration Fund, not otherwise appropriated, the sum of Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act.

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

Approved March 18, 1943.

MUNICIPAL CORPORATIONS

CHAPTER 182

S. B. No. 124—(Hoenck, Raschko, Rue, and Schrock)

CITY COMMISSIONER'S SALARY

An Act to amend and re-enact Sections 3790 and 3802 of the Compiled Laws of North Dakota for the year 1913, relating to salaries of members of the Board of City Commissioners.

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

§ 1. AMENDMENT.] That Section 3790 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 3790. STYLE OF COMMISSION. SALARY.] Said commissioners shall collectively constitute and be known as the "Board of City Commissioners of the City of _____." They shall take an oath to faithfully perform the duties of their respective offices. The salary of the city commissioners shall be determined by the number of inhabitants found to be therein by the State or Federal census last taken. In cities having a population of over five hundred and not over two thousand, each commissioner shall have a monthly salary of not to exceed Fifteen (\$15.00) Dollars; in cities having a population of over two thousand and not exceeding four thousand, each commissioner shall have a monthly salary of not to exceed Thirty (\$30.00) Dollars; in cities having a population of over four thousand and not exceeding six thousand, each commissioner shall have a monthly salary of not to exceed Fifty (\$50.00) Dollars; in cities having a population of over six thousand and not exceeding eight thousand, each commissioner shall have a monthly salary of not to