

the lawful owner of any estray from maintaining an action against said association for the recovery of any sum to which he may be entitled within the period of limitation given by general law governing other causes of action of like character.

SECTION 9. STATE EXAMINER TO EXAMINE RECORDS OF THE ASSOCIATION; REPORT.) It shall be the duty of the state examiner to examine the records and accounts of said North Dakota Stockmen's Association and to report thereon to the governor in the same manner as is now provided by law for the examination of records and accounts of public officers.

SECTION 10. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1949.

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## MILITARY

### CHAPTER 232

Senate Bill No. 126

(Krenz, Rue, Wahlund, Leno, Nordhougen, Brant)

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#### ADJUTANT GENERAL, SALARY, ETC.

##### AN ACT

Amending and reenacting Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to the office of the Adjutant General.

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

SECTION 1. AMENDMENT.) Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0301. ADJUTANT GENERAL: APPOINTMENT; QUALIFICATIONS; TERM; SALARY; OFFICE AT CAPITOL; REMOVAL.) The adjutant general shall be appointed by the governor, and shall have been a federally recognized commissioned officer of the national guard for a period of at least three years immediately preceding his appointment. His term of office shall be for six years and shall commence on July 1, 1941, and on every sixth anniversary thereof. Any vacancy in such office may be filled by the governor, but an appointment to fill a vacancy shall be made only for the unexpired term. The salary of the adjutant general shall be the biennial appropriation made for this purpose by the legislative assembly. He shall have his office at the state capitol. The provisions of chapter 4 of this title relating to the vacation of commissions, retirement, and discharge shall apply to the adjutant general.

Approved March 19, 1949.

## CHAPTER 233

House Bill No. 217  
(Hegge and Maher)

SALARY AND EXPENSES COUNTY VETERANS'  
SERVICE OFFICER

## AN ACT

To amend and reenact section 37-1419 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to salary and expenses of county veterans' service officer.

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

SECTION 1. AMENDMENT.) Section 37-1419 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1419. SALARY AND EXPENSES OF COUNTY VETERANS' SERVICE OFFICER.) The county veterans' service officer shall be paid such monthly salary for fulltime or part-time work as the board of county commissioners shall deem commensurate with the needs of the situation, together with actual living expenses when absent from his established office upon official business in an amount not exceeding that allowed to state officials, upon itemized statements submitted by him and supported by sub-vouchers or receipts as provided by section 21-0501 of the North Dakota Revised Code of 1943, and his actual transportation expenses, which shall not exceed the amounts provided by section 54-0609 of the North Dakota Revised Code of 1943, and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by his affidavit and supported by sub-vouchers or receipts as provided by section 21-0501 of the North Dakota Revised Code of 1943.

Approved March 9, 1949.

## CHAPTER 234

House Bill No. 142  
(Johnson and Stair)

## COMPENSATION BOARD OF TRUSTEES OF SOLDIERS HOME

## AN ACT

To amend and reenact section 37-1506 of the North Dakota Revised Code of 1943, relating to compensation of members of board of trustees of the soldiers' home.

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

SECTION 1. AMENDMENT.) Section 37-1506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1506. COMPENSATION OF MEMBERS OF BOARD OF TRUSTEES OF THE SOLDIERS' HOME.) Each member of the board of trustees of the soldiers' home shall receive five dollars for each day in which he is engaged in the performance of his duties under the provisions of this chapter and his necessary expenses in connection therewith. No member of the board, however, shall receive compensation for more than sixty days in any one year

Approved February 11, 1949.

## CHAPTER 235

House Bill No. 98  
(Johnson of Cass)

## QUALIFICATIONS, ETC., COMMANDANT OF SOLDIERS HOME

## AN ACT

To amend and reenact section 37-1507 of the North Dakota Revised Code of 1943, relating to commandant of the soldiers' home.

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

SECTION 1. AMENDMENT.) Section 37-1507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1507. COMMANDANT OF SOLDIERS' HOME: APPOINTMENT; QUALIFICATIONS; SALARY; SERVES AT PLEASURE OF BOARD.) The board of trustees of the soldiers' home shall appoint as com-

mandant of the home a person who holds an honorable discharge from the military or naval service of the United States of America and who served in the Spanish American War, World War I or World War II. The commandant shall serve at the pleasure of the board. He shall receive such salary as is provided in legislative appropriation from time to time. He shall act as secretary of the board.

Approved February 11, 1949.

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## CHAPTER 236

Senate Bill No. 2  
(Legislative Research Committee)

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### VETERANS ADJUSTED COMPENSATION ACT

#### AN ACT

To provide for payment of adjusted compensation to North Dakota veterans of World War II who served in the armed forces of the United States or governments allied with the United States government in World War II between January 1, 1941, and January 1, 1946, and to beneficiaries of such persons; to prescribe the powers and duties of state officers with respect thereto; to prescribe penalties for violations of the provisions of this act; providing an appropriation and declaring an emergency.

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

SECTION 1.) This act shall be known and may be cited as the "veterans' adjusted compensation act."

SECTION 2.) As used in this act:

1. "Period of service" means the period of time between January 1, 1941, and January 1, 1946, both dates inclusive;
2. "Veteran" means a man or woman who served honorably and faithfully for more than sixty days in active service in the military, naval, marine, woman's army auxiliary corps, or coast guard forces of the United States, or any of the governments allied with the United States in World War II, at any time during the period of service, and who was a resident of the state of North Dakota at the time of entering such service and for at least six months prior thereto, and who has not received bonus or adjusted compensation from another state;
3. "Beneficiary" in relation to a deceased veteran, means, in the order named;

- a. The surviving unremarried husband or wife;
  - b. The surviving child or children and the lawful issue of a deceased child or children by right of representation;
  - c. The surviving parent or parents;
  - d. The surviving person standing in loco parentis; or
  - e. The surviving brothers and sisters.
4. "Honorable and faithful service" shall be such service as is evidenced by:
    - a. An honorable discharge, or its equivalent;
    - b. In the case of an officer, a certificate of service; and
    - c. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.
  5. "Foreign service" means service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia;
  6. "Domestic service" means service by a veteran during the period of service in any state of the United States and the District of Columbia;
  7. "Adjutant general" means the adjutant general of the state of North Dakota;
  8. "Resident" means a person who has acquired a status as follows:
    - a. Was born in and lived in the state of North Dakota until entrance into the armed forces of the United States;
    - b. Was born in, but was temporarily living outside the state of North Dakota, not having abandoned residence therein prior to entrance into the armed forces of the United States, or any of the governments allied with the United States in World War II; or
    - c. Was born elsewhere but had resided within the state of North Dakota for at least six months prior to entrance into military service and had prior to or during such six months period:
      - (1) Registered for voting, or voted in the state of North Dakota;
      - (2) Being an unemancipated minor during such period of residence had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; and
      - (3) If not registered for voting in the state of North Dakota, was not registered for voting in another state, and had resided in the state of North Dakota for at least six months prior to entrance into the armed forces of the United States, or any of the

governments allied with the United States in World War II.

- d. In all other cases where the veteran was a bona fide resident of the state of North Dakota at the time of entering the armed forces as determined, in accordance with the rules and regulations of the adjutant general and the laws of the state of North Dakota. No person shall be considered a resident of North Dakota for the purpose of receiving any benefits under this act, if he was on continuous active duty in the armed forces for a period of five years or more, immediately prior to December 7, 1941, and has not established actual abode in North Dakota prior to the effective date of this act.

SECTION 3.) Each veteran shall be paid for domestic service twelve dollars and fifty cents for each month or major fraction thereof and shall be paid for foreign service seventeen dollars and fifty cents for each month or major fraction thereof. If the veteran be deceased, payments shall be made to the beneficiary.

SECTION 4.) In the case of a veteran who died in active service during the period of service, there shall be paid to the beneficiary of such veteran an amount as determined by section 3 of this act, provided that in no case shall such beneficiary be paid less than six hundred dollars.

SECTION 5.) Each veteran or his beneficiary entitled to payment shall make application to the adjutant general of the state of North Dakota upon such form as may be prescribed by him, provided that if the veteran be incompetent or his beneficiary be incompetent or a minor, application shall be made by the guardian, if any, of the veteran or beneficiary, or, if there be no guardian, then by the person, determined by the adjutant general, to have assumed the major responsibility for the care of the veteran or beneficiary and to be a proper person to receive payment for the veteran or beneficiary, or in the case of a veteran who is hospitalized in a state, county or federal institution if no application has otherwise been approved by the adjutant general, by the person in charge of such institution with the approval of the adjutant general. For the purpose of this section, the word "minor" shall not include the unremarried wife of a veteran. Each application shall be accompanied by a certified copy of honorable discharge or by other evidence of honorable and faithful service as set forth in section 2 of this act. Each application shall be subscribed and sworn to by the applicant in such manner as may be prescribed by the adjutant general. The adjutant general shall provide by regulation for an endorsement on the evidence of honorable and faithful service required that application for payment has been made.

SECTION 6.) Upon submission to him of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and forward the same to the state auditor for payment upon such forms as the state auditor shall prescribe. Upon receipt and audit thereof, the state auditor shall issue his warrant upon the state treasurer in favor of such applicant for the amount of such allowed claim. Payment shall be made from funds provided by the legislative assembly of the state of North Dakota, pursuant to the amendment to the constitution of North Dakota adopted by the thirtieth legislative assembly of the state of North Dakota as house concurrent resolution X and approved by the people at the primary election held on June 29, 1948. In any case where the veteran or the applicant for payment under this act is indebted to the veterans aid commission of the state of North Dakota, the adjutant general shall determine the amount of such indebtedness and certify such determination to the state auditor together with the record of payment due. Within the limits of the payment due, the state auditor shall remit the amount of such indebtedness to the veterans aid commission and pay to the applicant such difference, if any, to which he may be entitled.

SECTION 7.) Payments under this act shall be exempt from all taxation and from levy, garnishment, attachment and sale on execution. Any pledge, mortgage, sale, assignment or transfer, heretofore or hereafter made, of any right, claim or interest in any claim or payment under this act shall be void and payment shall not be denied, because of any sums owed to the state or any political subdivision except as provided in section 6 of this act.

SECTION 8.) For the purpose of carrying into effect the provisions of this act, the adjutant general is charged with the administration thereof and for that purpose he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and if satisfied of the proof of such claim and application, approve the same and direct payment thereof, and shall make any regulation necessary to the efficient administration of the provisions of this act. The books, papers and records, together with the filing cases and equipment procured and used in the administration of this act shall become a part of the permanent records of the office of the adjutant general. The adjutant general shall have authority to determine any claim in any case where a doubt arises as to the eligibility of an applicant to receive payment, and the decision of the adjutant general in such case shall be final, except on questions of residence which shall be subject to review by a court of competent jurisdiction.

SECTION 9.) Any person who shall willfully make a false statement in the application for benefits under the provisions of this act shall be guilty of a misdemeanor.

SECTION 10.) No application for benefits under the provisions of this act shall be filed or received after five years from the effective date of this act.

SECTION 11.) There is hereby appropriated out of any moneys in the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, not otherwise appropriated from time to time for administrative expenses in connection with the establishment of the fund or in carrying out the provisions of this act, the sums necessary to make payment of adjusted compensation to North Dakota veterans of World War II in accordance with the provisions of this act.

SECTION 12.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 18, 1949.

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## CHAPTER 237

House Bill No. 249  
(Committee on Veterans and Military Affairs)

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### HOUSING FOR VETERANS OF WORLD WAR I AND II

#### AN ACT

To facilitate housing for veterans of World War I and World War II; to authorize cooperation with the officers and agencies of the United States government in respect thereto; granting certain emergency powers to the governor and any state agency or official designated by him, and declaring an emergency.

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

SECTION 1. DECLARATION OF POLICY.) In order to insure adequate public or private housing for veterans of World War I and World War II, it is hereby found and declared to be necessary, in the interest of public health and welfare of the state and the United States, that the governor be granted certain emergency powers relating to housing and that the state may participate in any federal housing act or acts enacted by the congress of the United States.

SECTION 2. AUTHORITY OF GOVERNOR.) To carry out the purposes of this act, and expedite the functions of housing authorities in this state, the governor may designate any officer or head



of any department of a state industry, board, bureau or commission as a "housing coordinator."

SECTION 3. POWERS AND DUTIES.) The housing coordinator is vested with the following powers and duties:

1. To cooperate with the agencies of this state and of the federal government connected with veterans housing, in the formulation and execution of plans for an expedited housing effort, and the persons connected with it;
2. To coordinate the activities of "housing authorities" in this state, veterans housing cooperatives, and eligible veterans of World Wars I and II, in a manner which will best effectuate public or private housing of veterans;
3. To solicit the cooperation of officials of the various political subdivisions of the state in the proper execution of such plans;
4. To assist and advise the various political subdivisions of the state and groups sponsoring veterans' housing and all phases of housing; and
5. To investigate, advise and make appropriate recommendations to the governor respecting the execution of emergency powers hereinafter conferred upon the governor in connection with the suspension of laws, ordinances and regulations pertaining to housing, and to aid the governor in the exercise of such emergency powers.

SECTION 4. EMERGENCY POWERS OF THE 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 housing of veterans of World War I and World War II. In furtherance of such cooperation, the governor shall have the power, by executive order, when requested by any federal officer or agency, and when recommended by the housing coordinator:

1. To suspend or modify the enforcement of any statute or regulation relating to the construction, repair or alteration of housing facilities where it appears that the enforcement of such statute, ordinances, or regulations would hinder, impede or interfere with an expedited housing program;
2. To suspend the enforcement of any statute or regulation requiring the issuance of any permit or license for the construction, alteration or repair of private or public housing construction, under the provisions of any congressional enactment;
3. To amend, revoke or suspend any such executive order or regulation from time to time, when such action is recommended by the housing coordinator, or when he, in his judgment deems it advisable; and

4. To allocate materials to housing as contemplated by this act, and suspend the construction, reconstruction, repair or alteration of structures other than housing, and providing for a permit system for all nonresidential construction, reconstruction, repair or alteration.

SECTION 5. REPORT TO LEGISLATURE.) The governor shall report to the legislature at its next session the proceedings taken by him pursuant to this act, which reports shall include copies of all executive orders or regulations promulgated by him pursuant to the provisions of this act.

SECTION 6. PENALTY.) Any person who violates any of the provisions of this act, or of any order 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 one hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SECTION 7. SEVERABILITY.) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Act, which can be given the effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

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

Approved March 10, 1949.