
LIVESTOCK

CHAPTER 231

H. B. No. 141

Introduced by Committee on Appropriations

LICENSE FEES RENDERING PLANTS TO BE CREDITED TO GENERAL FUND

An Act To amend and re-enact Section 36-0712 of the North Dakota Revised Code of 1943 relating to fees for licensing rendering plants.

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

§ 1. AMENDMENT.] That Section 36-0712 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

36-0712. MONEY COLLECTED; WHERE CREDITED.] Money collected under this chapter shall be deposited with the State Treasurer to the credit of the General Fund.

§ 2. Any and all moneys now in the State Treasury to the credit of the livestock sanitary board in the rendering plant fund are hereby transferred to the State General Fund.

Approved February 27, 1945.

MILITARY

CHAPTER 232

S. B. No. 72

Introduced by Senate Committee on Military and Indian Affairs

ACCEPTING FRAINE BARRACKS AS FEDERAL GRANT

An Act Accepting from the United States the Lands and Improvements Comprising the Bismarck Indian School Plant, to be known as Fraine Barracks; and Declaring an Emergency.

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

§ 1. ACCEPTANCE OF GRANT.] The State of North Dakota hereby accepts from the United States of America the lands and im-

provements comprising the Bismarck Indian School Plant, as authorized by Public Law 502 of the 78th Congress, which shall hereafter be known as, "Fraine Barracks," in honor of the late Brig. Gen. John A. Fraine.

§ 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 10, 1945.

CHAPTER 233

H. B. No. 213

Introduced by Representative Johnson of Cass

ADJUTANT GENERAL, APPOINTMENT AND SALARY

An Act Amending and re-enacting Section 37-0301 of 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:

§ 1. AMENDMENT.] That Section 37-0301 be amended and re-enacted 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 thirty-three hundred dollars per annum. 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 14, 1945.

CHAPTER 234

H. B. No. 105

Introduced by Representative Stormon

CAMP GRAFTON, CONTROL AND MAINTENANCE

An Act Providing for the Control of Camp Gilbert C. Grafton, Ramsey County, North Dakota, and Creating a Maintenance and Improvement Fund.

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

§ 1. ADJUTANT GENERAL TO CONTROL CAMP GILBERT C. GRAFTON. MAINTENANCE FUND.] The Adjutant General of the State of North Dakota shall have full control of Camp Gilbert C. Grafton, Ramsey County, North Dakota; provided that all moneys received from the sale of timber, stone, agricultural products or other material taken from the grounds shall be paid into the State Treasury, and kept as a separate fund for the improvement of the property for military uses and shall be paid out upon proper vouchers approved by the Adjutant General in accordance with the act of the Congress of the United States granting the lands to the State of North Dakota.

Approved March 14, 1945.

CHAPTER 235

S. B. No. 35

Introduced by Senators Day, Dahlen and Raschko

CERTIFIED COPIES FREE TO VETERANS

An Act Providing for furnishing veterans, or their representatives, without charge of copies of public records; exempting officers from certain accountability, repealing all acts in conflict, and declaring an emergency.

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

§ 1. If a copy of any public record is required by any veterans, or his guardian, dependent, or representative in connection with an application for benefits made available by Federal or State Laws, the official charged with the custody of such public record, without charge, shall provide a certified copy of such record upon request.

§ 2. If any public official has issued certified copies of any such record as provided in Section 1 of this Act, prior to the effective

date hereof, such official shall in that case not be held accountable for fees not collected.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency, and shall be in full force and effect after the date of its passage and approval.

§ 4. REPEAL.] All acts or parts of acts in conflict are hereby repealed.

Approved February 23, 1945.

CHAPTER 236

S. B. No. 68

Introduced by The Committee on Military and Indian Affairs

COUNTY VETERANS SERVICE OFFICER

An Act To amend and re-enact Chapter 30 of the authenticated edition of the Acts of the 1944 Special Session of the Twenty-eighth Legislative Assembly House Bill No. 24 authorizing the board of county commissioners to appoint, employ, and pay a county veterans' service officer under the supervision of the Veterans' Service Commissioner to assist returning members of the armed forces in the solution of their problems, and declaring an emergency.

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

§ 1. AMENDMENT.] Chapter 30 of the authenticated edition of the Acts of the 1944 Special Session of the twenty-eighth Legislative Assembly House Bill No. 24 is hereby amended and re-enacted to read as follows:

§ 2. The board of county commissioners of each county in the state of North Dakota is hereby authorized to appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer whose duty it shall be to acquaint himself with the laws, both state and federal, enacted for the benefit of returning servicemen and to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they may have. It also shall be the duty of the county veterans' service officer, under the supervision of the Veterans' Service Commissioner, to actively cooperate with and to co-ordinate the activities of state and federal agencies within the county which he serves to facilitate their operation and insure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and women in civilian pursuits.

§ 3. The county veterans' service officer shall be paid such monthly salary for full-time or part-time work together with traveling expenses as the board of county commissioners shall deem commensurate with the needs of the situation.

§ 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 13, 1945.

CHAPTER 237

H. B. No. 107

Introduced by Veterans and Military Affairs Committee

DEPARTMENT OF VETERANS AFFAIRS

An Act Creating a department of veterans affairs and defining the scope thereof; establishing the office of commissioner of veterans' affairs; providing the qualifications, the manner of appointment, duties and salary of such officer, and prescribing his duties.

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

§ 1. There is hereby established a Department of Veterans' Affairs under the supervision and control of a Commissioner known as Commissioner of Veterans' Affairs, hereinafter referred to as the Commissioner.

§ 2. QUALIFICATIONS AND APPOINTMENT.] Such Commissioner shall be appointed by the Governor of the State of North Dakota and such appointment shall be given to one of three persons selected by a committee composed of the Department Commander of the United Spanish War Veterans, Department of North Dakota, the Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota, the Department Commander of the American Legion, Department of North Dakota, the Department Commander of Disabled American Veterans of the World War, Department of North Dakota, and the Adjutant General of the State of North Dakota, or a majority thereof. Any person to be eligible for appointment as such Commissioner shall be an actual and bona fide resident of North Dakota, and shall possess an honorable discharge from the Armed Forces of the United States. His term of office shall be for two years and shall commence on July 1, 1945 and on every second anniversary thereof; he shall furnish a surety bond in the sum of five thousand dollars.

§ 3. ADVISORY COMMITTEE.] The Governor shall appoint a

Committee of not less than seven nor more than fifteen members to be made up of representatives of all veterans' organizations chartered by the Congress of the United States and representatives of state and federal agencies directly concerned in the program of re-establishment of returned veterans. Such Committee shall serve in an advisory capacity to the Department of Veterans' Affairs. The members of the Committee shall serve without compensation and at the pleasure of the Governor.

§ 4. DUTIES.] It shall be the duty of the Commissioner to coordinate agencies or instrumentalities of the State set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist veterans in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944; or any similar or related measures afforded by the Federal Government; to assist, supervise, advise and direct the work of County Service Officers; to assist County Service Officers in the formation of County Service to Veterans' Committees and to outline, assist and direct the activities of such committees; to disseminate information and to do any and all things necessary and proper for the purpose of carrying out the intent and purposes of this Act.

§ 5. SEAL OF COMMISSIONER; POWER TO ADMINISTER OATHS AND MAKE CERTIFICATIONS.] The Commissioner shall have a seal of office and may administer oaths and take acknowledgments in connections with the prosecution of any claim for compensation, hospitalization, insurance, or other aid or benefits. Such commissioner may certify to the correctness of any document or documents which may be submitted in connection with any such application.

§ 6. ESTABLISHMENT OF DIVISIONS, ASSISTANTS.] The Commissioner is hereby authorized and empowered to establish within his department a claims division, a loan division, a field division and such other divisions as from time to time may become necessary to carry out the purposes of the Act; to appoint such assistants as may be necessary and to prescribe regulations and rules of procedure.

§ 7. COMPENSATION AND EXPENSES.] The Commissioner shall receive a salary of \$4200.00 per annum. He shall be allowed such amounts for travel, clerkhire and expenses as may be prescribed from time to time by legislative appropriations.

§ 8. OFFICE OF COMMISSIONER; WHERE LOCATED.] The office of the Commissioner shall be located in the same city as the principal office of the Veterans' Administrator for this State. If the Veterans' Administrator is removed from the state, such commissioner's office shall be located in the State Capitol building.

§ 9. The Department of Veterans' Affairs constitutes a continuation of the former office of Veterans' Service Commissioner and

not a new authority and any duty, power or obligation assigned or delegated to the Veterans' Service Commissioner shall be deemed to be transferred to and assumed by the Commissioner of Veterans' Affairs who shall be subrogated to all the rights and duties of the Veterans' Service Commissioner.

§ 10. All unexpended funds appropriated or made available to the office of the Veterans' Service Commissioner for the purpose of any of its functions, powers, or duties, which are transferred by this act to the Department of Veterans' Affairs, are hereby transferred to the latter.

Approved February 27, 1945.

CHAPTER 238

H. B. No. 104

Introduced by Representatives Fitch, Crockett, Seve
and Graham

EMPLOYMENT PREFERENCE VETERANS

An Act Providing for Preference for Returned Veterans in Employment on All Public Works and Providing means for Enforcing the Right, and declaring an Emergency.

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

§ 1. In each public department and upon all public works of the State of North Dakota and of the counties, cities or villages therein, honorable discharged members of the Armed Forces who have defended this nation in time of war, or their widows, or their wives when the veteran is wholly incapacitated by reason of disabilities not resulting from his own vicious habits, shall be preferred for appointment, and age, loss of limb or other physical impairment which does not in fact incapacitate the persons from performing the duties of the positions sought, shall not disqualify them, if they possess the requisite qualifications and business capacity to discharge the duties of the positions involved. Provided further, that to be eligible under the provisions of this Act the person applying shall be a citizen of the United States and shall have been a resident of the State of North Dakota at the time of his or her induction or enlistment in the armed forces and where a county, city or village appointment is involved the applicant shall have been a resident of such political subdivision for at least six months immediately preceding the appointment sought.

§ 2. A vacancy shall be considered to exist under the provi-

sions of this Act whenever the term of the incumbent expires by reason of death, resignation, dismissal for cause or the expiration of the tenure of appointment requiring a new appointment. The replacement of an incumbent by a veteran, widow or wife without such event occurring is not contemplated by the provisions of this act.

§ 3. EXCEPTIONS.] Excepted from the provisions of this Act are the personal staff of the Governor and the first assistant or deputy of an elected department head plus the personal secretary of each elected official. There shall also be excepted from the operation of this act any temporary investigating committee or group appointed by the Governor or the Legislative Assembly. This Act shall not interfere with the regular operation of the Merit System, except that upon proof submitted showing honorable service during a war a veteran shall have 5% added to the rating which he obtains on examination and a disabled veteran with a service connected disability shall have 10% added to his rating so obtained.

§ 4. REMEDY.] Whenever an eligible veteran, widow or wife has made application for a public position and is refused an appointment for which he or she possesses the necessary qualifications, in violation of the spirit and intent of this act, then such person shall have the right to petition by verified petition the District Court of the State of North Dakota in the county in which the work is to be performed, setting forth the facts of his application qualifications, competency and honorable discharge entitling him or her to preference under this Act and upon the filing of such petition the Judge in said court shall forthwith issue an order to show cause to the appointing authority directing said authority to appear in said court at a specified time and place, not less than five nor more than ten days after the filing of said verified petition, to show cause, if any, he have why said veteran or person entitled to preference should not be employed by him and the said District Court shall have jurisdiction upon the proper showing to issue its order directing and ordering said appointing authority to comply with this law in giving the preference herein provided.

§ 5. Should any part of this Act be declared invalid all other parts and provisions thereof shall remain in full force and effect.

§ 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved March 13, 1945.

CHAPTER 239

S. B. No. 176

Introduced by Senators Bridston and Flatt

LEAVE OF ABSENCE, PUBLIC EMPLOYEES

An Act Relating to the status of officers and employees of the state and political subdivisions in active non-civilian service; providing for the reinstatement of such persons to the positions held by them; repealing Section 37-0125 of the North Dakota Revised Code of 1943 and all acts or parts of acts in conflict with this act; providing penalties for the violation of this act; and declaring an emergency.

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

§ 1. OFFICERS AND EMPLOYEES OF STATE OR POLITICAL SUBDIVISIONS IN NATIONAL GUARD OR FEDERAL SERVICE TO RETAIN STATUS FOR PERIOD OF ACTIVE SERVICE.] All officers and employees of this state or of a political subdivision thereof who: (1) are members of the National Guard; (2) are members of the Officers' Reserve Corps of the United States of America; (3) shall be subject to call in the Federal Service by the President of the United States; or (4) shall volunteer for such service, when ordered by proper authority to active non-civilian employment, shall be entitled to a leave of absence from such civil employment for the period of such active service without loss of status or efficiency rating, and if they have been in the continuous employ thereof for ninety (90) days immediately preceding without loss of pay during the first thirty (30) days of such leave of absence.

§ 2. REINSTATEMENT TO FORMER POSITION; APPEALS.] Any person referred to in section (1) of this act, who within ninety (90) days after receiving a discharge other than dishonorable from such active non-civilian service and who is not physically or otherwise incapacitated to perform the duties of the position formerly held by him applies for such position held by him at the time of entering such active service, shall be given such position or one of like seniority, status and pay, and shall be immune to discharge from said position except for cause, as defined by the Veterans' Aid Commission hereinafter referred to, for a period of one (1) year after entering upon the duties of his civilian position. Any such person not so re-employed or who is discharged within such a period of one (1) year without cause, shall have the right of appeal to the Veterans' Aid Commission provided for in Chapter 37-14 of the North Dakota Revised Code of 1943, under such rules and regulations as said Veterans' Aid Commission may promulgate. If said Veterans' Aid Commission shall find that such person was not re-employed or was discharged within one (1) year without cause, it may order

any officer or other appointing power to comply with the provisions of this act; provided, however, that if such person at the time of entering such non-civilian service shall have been an officer or employee of any department or division of the State of North Dakota or a political subdivision thereof, having a merit system of personnel administration established pursuant to state statutes or federal laws and regulations, or a city operating under a civil service system, and having appeal body, which appeal body shall have the same powers as are herein granted to Veterans' Aid Commission. In order to carry out the provisions of this act, the Veterans' Aid Commission is hereby authorized to contract and pay for technical or other services with any board, council or commission established by such state agencies, departments or divisions to administer such systems.

§ 3. PENALTY.] Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00) or ninety (90) days imprisonment, or both such fine and imprisonment.

§ 4. REPEAL.] Section 37-0125 of the North Dakota Revised Code of 1943 and all acts or parts of acts in conflict with this act are hereby repealed.

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

Approved March 13, 1945.

CHAPTER 240

H. B. No. 194

Introduced by Representative Fitch

OATHS AND ACKNOWLEDGEMENTS, BY OFFICERS ARMED FORCES

An Act Authorizing administration of oaths and taking of acknowledgements by a commissioned officer, a non-commissioned officer not below the grade of sergeant and a petty officer in the Armed Forces of the United States of America; declaring valid oaths and acknowledgements taken prior to the effective date of this Act and declaring an emergency.

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

§ 1. PERSONS AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS.] A commissioned officer, a non-commissioned

officer not below the grade of sergeant and a petty officer in the Armed Forces of the United States shall be authorized to administer oaths and to take and execute acknowledgements.

§ 2. VALIDATING CERTAIN OATHS AND ACKNOWLEDGMENTS.] All oaths administered or acknowledgments taken by the persons named in Section 1 hereof prior to the effective date of this Act are hereby declared valid.

§ 3. EMERGENCY.] This Act is declared an emergency and shall be in full force and effect upon its passage and approval.

Approved March 14, 1945.

CHAPTER 241

H. B. No. 119

Introduced by Committee on Military and Indian Affairs

RECORD OF VETERANS WORLD WAR TWO

An Act To Provide for the Compilation, Publication and Distribution of the Record of Residents of North Dakota Who Rendered Military Service on Behalf of the State, Served in the Merchant Marine, and Assisted in the Administration of the Selective Service Act During World War II.

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

§ 1. The Adjutant General of the State of North Dakota is hereby authorized and directed to compile, publish and distribute in accordance with such rules and regulations as he might adopt, a record of the residents, men and women, of the State of North Dakota, who rendered military service on behalf of the State, served in the Merchant Marine, and assisted in the administration of the Selective Service Act during World War II.

§ 2. The Adjutant General shall have power and authority to do and perform any and all acts and things which may to him seem necessary and proper for the purpose of carrying out the terms and conditions and spirit of this act.

Approved March 14, 1945.

CHAPTER 242

S. B. No. 69

Introduced by Military and Indian Affairs Committee

VETERANS' AID COMMISSION

An Act Amending and re-enacting Sections 37-1401, 37-1404, 37-1405, 37-1406, of the North Dakota Revised Code of 1943, creating a Veterans' Aid Commission, specifying its powers and duties, appropriating the sum of \$125,000.00 as a Veterans' Aid Fund, and \$10,000.00 for operating expenses providing for the manner of its use, and defining those entitled to aid from such fund.

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

§ 1. AMENDMENT.] That Section 37-1401 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1401. There is hereby established a Veterans' Aid Commission consisting of five members to be appointed by the Governor, one of which shall be the Veterans' Service Commissioner. Each of such members shall have been a member of the Armed Forces of the United States during a time when a state of war shall have been declared to exist by the Congress of the United States. The Veterans' Service Commissioner shall be and serve as the Executive Secretary of the Veterans' Aid Commission.

§ 2. AMENDMENT.] That Section 37-1404 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1404. The Veterans' Aid Fund is hereby created and established for the purpose of making loans or advancements to any veteran of the Armed Forces of the United States in World War II, who has not been dishonorably discharged.

§ 3. AMENDMENT.] That Section 37-1405 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1405. Any such veteran may make application to the Veterans' Aid Commission in such form as the Veterans' Aid Commission may provide, either while he or she is waiting for relief or assistance from such other agency, State or Federal, as may provide relief to him, or for further assistance for his education, or otherwise.

§ 4. AMENDMENT.] That Section 37-1406 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1406. If the Veterans' Aid Commission is satisfied that

such applicant has served as a member of the Armed Forces of the United States for an aggregate time of not less than thirty days while the United States was at war, that he is a citizen and resident of the State of North Dakota, and that he has not been dishonorably discharged, the Veterans' Aid Commission may advance to such applicant, or a guardian of such applicant, a sum from the Veterans' Aid Fund not to exceed the sum of \$50.00 per month for a period of not to exceed six months; and the aggregate of all loans to a single individual shall not exceed \$300.00.

§ 5. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$125,000.00 to be kept by the State Treasurer in a separate trust fund for the Veterans' Aid Commission as provided by law; and from said fund the sum of \$10,000.00 for the necessary administration expense of the Veterans' Aid Commission.

Approved March 9, 1945.

MINING AND GAS AND OIL PRODUCTION

CHAPTER 243

H. B. No. 137

Introduced by Committee on Appropriations

COAL MINE INSPECTION AMENDMENTS

An Act To amend and re-enact Sections 38-0314 and Section 38-0404 and Repealing Section 38-0405 of the North Dakota Revised Code of 1943 relating to coal mine inspector and coal mine safety fund.

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

§ 1. AMENDMENT.] That Section 38-0314 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

38-0314. TECHNICAL ASSISTANTS AND ADVISERS MAY BE EMPLOYED BY INSPECTOR; PAY; INSTRUMENTS FURNISHED INSPECTOR.] For the more efficient discharge of the duties imposed upon him by this title, the inspector, with the approval of the commissioners of the workmen's compensation bureau, may hire all necessary technical assistants and advisers to determine the condition, fitness, and suitability of boilers and all other machinery or equipment of coal mines in this state which may affect the safety of the miners therein. Such