

# VETOED MEASURES

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## CHAPTER 424

H. B. No. 604  
(Anderson of Stutsman)

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### OATH AND AUTHENTICATION BY ELECTION OFFICIALS

#### AN ACT

To amend and reenact sections 16-1013 and 16-1305 of the North Dakota Revised Code of 1943, relating to the oath of election officers and authentication of reports and poll lists.

#### Veto

Bismarck, March 5, 1959

Members of the House of Representatives  
Thirty-sixth Legislative Assembly  
House Chambers  
Bismarck, North Dakota

#### Greetings:

I am herewith returning H. B. No. 604, an Act to amend and reenact sections 16-1013 and 16-1305 of the North Dakota Revised Code of 1943 relating to the oath of election officers and authentication of reports and poll lists, without my approval.

Upon examination of the existing law pertaining to the oath of election officers and authentication of reports and poll lists and the proposed amendments as contained in H. B. 604, I believe election safeguards would be lessened by having the inspector sign for the entire election board in preference to the signatures of the inspector and the two judges. Further, the present law provides that the oath be a part of the poll book, which in my opinion is more desirable than under the proposed law whereby the oaths are filed with the county judge.

Sincerely yours,  
JOHN E. DAVIS  
Governor

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

§ 1. **Amendment.**) Section 16-1013 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**16-1013. Oath of Election Officers.)** Before the polls are open, the inspectors, judges, and clerks of election severally shall take and subscribe an oath in writing in the following form: "I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk (as the case may be) according to law and the best of my ability; and that I studiously will endeavor to prevent fraud, deceit, and abuse in conducting the same." Such oath may be taken before any officer authorized to administer oaths, and in case no such officer is present at the opening of the polls, the inspector or judges of election are authorized to administer such oath to each other and to the clerks of election. Such oaths shall be filed with the county judge.

**§ 2. Amendment.)** Section 16-1305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**16-1305. Authentication Upon Completion of Canvass; Contents.)** At the conclusion of the canvass of the votes, the inspector of elections shall sign an authentication that the ballots have been counted and the votes canvassed as provided in this chapter, and that the returns as disclosed by the tally books of election kept by the clerks, and the duplicate reports, agree with the number of ballots cast and are true and correct of his own knowledge. Such authentication shall be filed with the county judge.

Disapproved March 5, 1959.

Filed March 9, 1959.

## CHAPTER 425

S. B. No. 150

(Brooks, Livingston, Garaas, Longmire)

## CITY LEVY FOR POLICE PENSIONS

## AN ACT

To amend and reenact sections 40-4501, 40-4502, 40-4508, 40-4513 and 40-4516, of the 1957 Supplement to the North Dakota Revised Code of 1943, and section 40-4509 of the North Dakota Revised Code of 1943, relating to police pensions in cities.

**Veto**

March 21, 1959

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Transmitted herewith without my approval is Senate Bill 150, a bill relating to police pensions in cities.

This bill when introduced in the legislature was understood to be permissive legislation and, it was believed, primarily provided for an increase in the mill levy so that police pension benefits could be increased by city governing bodies. However, as passed by the legislature the bill is mandatory and city officials have no discretion in managing police pension plans. The testimony showed many city police pension plans are not actuarially sound today, and some cities are recommending social security for police as well as other city employees, with a supplemental police pension plan.

I recognize the need for a thorough review of police pension systems to provide increased benefits; therefore, this matter should be given further study and presented to the next legislature with all interested parties fully informed of the proposed legislation.

Sincerely yours,  
JOHN E. DAVIS  
Governor

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

§ 1. **Amendment.**) Section 40-4501 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4501. Tax Levy for Policemen's Pension Fund Authorized; Limitations.)** In addition to any other levies authorized by law for general purposes, any city having a population in excess of five thousand inhabitants according to the last official federal or state census and having an organized and paid police department may levy an annual tax of not more than one and one-half mills for the purpose of creating and maintaining a policemen's pension fund.

**§ 2. Amendment.)** Section 40-4502 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4502. Tax Levy for Pension Fund Where Retirement System Based Upon Actuarial Tables is Maintained.)** Any city having established by law a police retirement system based upon actuarial tables may levy for the police pension fund, in addition to any other levies authorized by law for general purposes, a total tax of not more than one and one-half mills.

**§ 3. Amendment.)** Section 40-4508 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4508. Membership Fees and Assessments.)** Every member of the police department shall pay to the treasurer of the pension fund a membership fee to be fixed by the board of trustees in an amount not exceeding twenty-five dollars. Each member shall be assessed and required to pay annually an amount not less than three percent or more than five percent per annum as determined by the governing body of the municipality upon the amount of the annual salary paid to him. Such assessment shall be deducted and retained in equal monthly installments out of such salary. No assessment shall be made of any member after he has been employed for a period of twenty-two years.

**§ 4. Amendment.)** Section 40-4509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4509. Who May Be Retired on Pension: Amount Paid to Retiring Members: Retiring Members Not Paid.)** Any member of the police department, including officers and police matrons, who shall have served twenty-two years or more in the department and shall have reached the age of sixty years, or who, while a member of such department, shall suffer permanent mental or physical disability so that he is unable to discharge his duties, shall be entitled to be retired. Upon retirement, he shall be paid out of the pension fund of the department a monthly pension equal to sixty percent of the average

monthly salary received during the highest paid consecutive thirty-six month period of his employment in the department. If any member shall have served twenty-two years in the department but shall not have reached the age of sixty years, he shall be entitled to retirement, but no pension shall be paid while he lives until he reaches the age of sixty years.

**§ 5. Amendment.)** Section 40-4513 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4513. Payments to Widow, and Children and Surviving Parents Upon Death of Active or Retired Member.)** Upon the death of any active or retired member of the police department of a city maintaining a policemen's pension fund under this chapter, leaving a widow or minor children, or dependent father or mother surviving him there shall be paid out of the fund subject to the restrictions contained in section 40-4514, as follows:

1. To the surviving widow, as long as she remains unmarried and of good moral character, a sum of not less than fifty dollars per month and not more than one hundred and fifty dollars per month;
2. If there is no surviving widow, or upon the death or remarriage of the widow, then to his dependent father or mother, if both survive, or to either dependent parent if one survives, the sum of forty dollars per month;
3. To the guardian of each surviving child under eighteen years of age, a sum not less than twenty-five dollars per month and not more than fifty dollars per month.

The aggregate of all such payments shall not exceed sixty percent of the average monthly salary received during the highest paid consecutive thirty-six month period of his employment prior to the time of his death or retirement.

**§ 6. Amendment.)** Section 40-4516 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**40-4516. Increase of Assessments by City Having Police Retirement System Based Upon Actuarial Tables.)** If the one and one-half mill levy provided for in section 40-4502, together with contributions from beneficiaries and funds received from other sources as provided in this chapter, shall be inadequate or insufficient to establish a retirement system based upon actuarial tables, the governing body, in order to establish such system upon an actuarial basis, may:

1. Increase the amount of the contributions from beneficiaries;

2. Increase the mill levy provided for under section 40-4502 of this chapter to two mills until the pension system is a sound retirement system based upon actuarial tables.

Disapproved March 21, 1959.

Filed March 21, 1959.

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CHAPTER 426

S. B. No. 239

(Vendsel)

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COURT ADMINISTRATOR

AN ACT

To provide for a court administrator for the improvement of the judicial system.

**Veto**

March 21, 1959

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Transmitted herewith without my approval is Senate Bill 239, a bill to provide for a court administrator for the improvement of the judicial system.

In my opinion it is not proper for the executive committee of any organization to appoint state officers.

It is my understanding the judicial council under our present laws has authority to accomplish the objectives set forth in Senate Bill 239. The state bar association is represented on the judicial council. I am confident constructive recommendations for improvement of the judicial system would be favorably considered.

Therefore I disapprove Senate Bill 239.

Sincerely yours,  
JOHN E. DAVIS  
Governor

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

§ 1.) There shall be a state officer to be known as the administrator of the courts of the state of North Dakota, who

shall be appointed by the executive committee of the North Dakota state bar association and who shall hold office at the pleasure of the appointing power.

§ 2.) The administrator for the courts, herein provided for, shall under the supervision and direction of the North Dakota supreme court and the executive committee of the North Dakota state bar association:

- (1) Examine the administrative methods and systems employed in the offices of the courts, and the clerks thereof, the probation officers and make recommendations for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the supreme court for the assignment of judges where courts are in need of assistance, and carry out the directions of the North Dakota supreme court in determining to which counties or districts assignments of additional judges should be made, and which courts are in need of assistance for the purpose of clearing dockets and keeping the work of courts up to date.
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the supreme court of North Dakota and the president of the North Dakota state bar association to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the North Dakota supreme court on cases and other judicial business in which action has been delayed beyond periods of time and specified by law or rules of court and make report thereof to the North Dakota supreme court and president of the North Dakota state bar association;
- (8) Formulate and submit to the North Dakota Supreme Court recommendations of policies for the improvement of the judicial system; and
- (9) Attend to such other matters as may be assigned by the North Dakota supreme court.

§ 3.) The judges of the courts and all other officers, state and local, shall comply with all requests made by the administrator or his assistants for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

§ 4.) This Act shall apply to all of the district courts of the state of North Dakota in addition to the North Dakota supreme court.

§ 5.) This Act shall be known as the Court Administrator Act.

Disapproved March 21, 1959.

Filed March 21, 1959.

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## CHAPTER 427

H. B. No. 766  
(Poling and Dick)

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### UNORGANIZED TOWNSHIP LEVY FOR ROADS AND BRIDGES

#### AN ACT

To amend and reenact sections 57-1522 and 57-15221 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to tax levy limitations in unorganized townships and provide for transfer of funds for special roads and bridges; and to repeal section 57-15191 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to levies for surfacing highways in unorganized townships.

**Veto**

March 21, 1959

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Meier:

Transmitted herewith without my approval is House Bill 766, a bill changing the tax levy for road purposes in unorganized townships. This bill sets forth a levy of 14 mills rather than the 6 mills now allowed by section 57-1522 of the 1957 Supplement of the North Dakota Revised Code of 1943.

In my opinion it is advisable to leave the road levy for unorganized townships as is now provided by law.

Adjustments in school levies as provided in House Bill 551 may in some instances increase tax levies in unorganized townships. The tax burden is now high, and any increases should be avoided.

Sincerely yours,

JOHN E. DAVIS  
Governor

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

**§ 1. Amendment.)** Section 57-1522 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**57-1522. Tax Levy Limitations in Unorganized Townships.)** Tax levies in unorganized townships shall be limited as follows:

1. The total tax levied by the board of county commissioners in any unorganized township for the construction, maintenance and improvement of any roads and bridges shall not exceed fourteen mills on the dollar of the net taxable assessed valuation of the township, but this shall not prohibit the levy of general county road and bridge taxes in such unorganized township.

**§ 2. Amendment.)** Section 57-15221 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**57-15221. Board of County Commissioners May Transfer Unexpended Balance in Road and Bridge Fund in Unorganized Townships: Limitations.)** The board of county commissioners, by resolution, may transfer any unexpended balance of the revenues produced under section 57-1522 as amended in any unorganized township to a special road and bridge fund to the credit of such unorganized township. Such special road and bridge fund shall not exceed a sum which would be produced by a levy of six mills on the net taxable valuation of any unorganized township. Such special road and bridge fund shall not be taken into consideration in determining the budget for the amount to be levied for road and bridge purposes in an unorganized township for the current fiscal year.

**§ 3. Repeal.)** Section 57-15191 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Disapproved March 21, 1959.

Filed March 21, 1959.