

VETOES

(H. B. No. 140—Roberts)

ABSENT VOTERS BALLOT FOR ELECTOR PHYSICALLY DISABLED

An Act Providing for the Voting of an Absent Voter Ballot by Electors Who by Reason of Physical Disability Are Unable to Attend Their Polling Place to Vote at Any General or Primary Election.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 140, an act providing for the voting of an Absent Voter Ballot by electors who, by reason of physical disability, are unable to attend their polling place to vote at any general or primary election.

The highest privilege given to citizens is the right of suffrage. Everywhere about us is evidence of the growing carelessness with respect to the exercise of the right of suffrage, including even the wholesale failure to exercise such right.

This bill provides no way of determining, and makes no provision for any person or persons authorized to determine whether or not physical disability may or may not exist in any particular case, and I deem it highly probable that such a law might lead to extravagant abuse which, by reason of lack of control over the question of determining physical disability, would be practically devoid of remedy.

I do not think, therefore, that the right of certain persons to vote in any other than the usual and accepted manner, should be permitted except upon the gravest consideration and for the gravest reasons.

I, therefore, veto House Bill No. 140 and file the same herewith.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. PHYSICALLY DISABLED ELECTORS MAY VOTE ABSENT VOTERS BALLOT. How.] Any qualified elector of the State who by reason of physical disability is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot in the manner prescribed in Article

16, of Chapter 2, of the Political Code of the Compiled Laws of North Dakota of 1913.

The application for an absent voters ballot, shall in such case be in the form therefor now prescribed by such Article, except that the same shall recite and set forth as the reason for such application, the physical disability of the applicant to attend at his or her polling place to vote; which fact shall also be stated in the Affidavit of such voter, now required by such Article, upon the absent voters ballot envelope.

Vetoed March 9, 1927.

(H. B. No. 191—Bubel and Holthusen)

QUALIFICATIONS ELECTORS IN BOND ELECTIONS

An Act to Prescribe Who Shall Be Qualified Electors in Certain Bond Elections in This State.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I file herewith House Bill No. 191 without my approval.

This bill provides that no person shall be eligible to vote at bond elections who is not a freeholder or who does not pay a personal property tax.

If this bill were to become a law I am of the opinion that it would seriously interfere with the legality and the sale of bonds. After any such election the question might be raised whether or not the bond issue was legal, depending upon whether or not all the citizens who voted had dollars enough to their credit either in real or personal property.

It is questionable, also, whether such a law would be constitutional, since it seems to be in conflict with Section 122 of the Constitution of North Dakota.

I hope the citizens of North Dakota are not retrograding. I hope we are not putting the dollar mark ahead of the right of citizens to exercise the franchise. Surely the people of North Dakota do not want the dollar mark to be the indication of a citizen's qualification to vote. We progressed beyond that state long ago.

Furthermore, by the adoption of the 19th amendment to the Constitution of the United States women were granted equal franchise with men. The provisions of this bill would almost repeal

the woman suffrage law, for proportionately few women hold either real or personal property in their own names.

For the reasons above stated I have vetoed this bill.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. That in any election hereafter held in this state upon the question of issuing bonds by any county, city, village, school district or other subdivision of the state, no person shall be eligible to vote who is not a qualified elector and a freeholder, or holder of homestead right or payer of personal property tax.

§ 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Vetoed March 9, 1927.

(H. B. No. 313—Erickson of Kidder, and Freeman)

QUALIFICATIONS COUNTY CORONER

An Act Providing Additional Requirement for the Office of County Coroner.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill 313, without my approval.

This bill provides that any county having a population of more than 10,000 must have a practicing physician as coroner. We have done very well for a number of years with the law we now have, and if a county having a population of 9,999 can get along with the provisions of the present law, then a county having a population of 10,001 should also be able to get along. This is just another instance where someone thought there should be a law.

I have vetoed this bill.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. No person shall be eligible to become a candidate for, or to be elected to, the office of County Coroner in any county

of the State having a population of 10,000, or more, according to the last state census, except such person be a regular practicing physician. In counties having less than 10,000 population according to such census, such qualifications shall not be required.

Vetoed March 8, 1927.

(H. B. No. 25—Fowler)

**ELECTION PRESIDENTIAL ELECTORS, NATIONAL
AND PRECINCT COMMITTEEMEN**

An Act to Provide for the Nomination and Election of Candidates for the Offices of Presidential Electors, National Committeeman, Delegates to National Party Conventions, and Party Precinct Committeemen; to Provide for Forms of Ballots and Requirements of New Parties With Reference Thereto; to Repeal All Acts or Parts of Acts in Conflict Herewith Including Sections 910 to 919, Inclusive, Compiled Laws 1913, and to Change the Date of Holding City Elections in Presidential Election Years.

VETO

March 10, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 25 providing for the election of precinct committeemen and doing away with the election of presidential electors and national committeemen and delegates to the national party conventions.

Under existing laws presidential electors, delegates to national party conventions, and national committeemen are voted upon at the presidential election on the third Tuesday in March of every fourth year. The precinct committeemen are elected at the state primary election in June in every even numbered year.

House Bill No. 25 provides that precinct committeemen shall not be elected at the various precincts at the primary election in June, but that such precinct committeemen shall be elected on the third Tuesday in March of every presidential election year. These precinct committeemen so elected shall meet at the Court House in their county the third Tuesday thereafter, which would be during April. Then the delegates there elected shall meet at the State Capitol on the second Tuesday in May, where this state organization shall elect delegates to a state party convention, and this convention so made up shall on the same date nominate and elect presidential electors, a national committeeman, and the required number of delegates to the national party convention. These provisions, to all intents and purposes, do away with the popular vote for these most important offices.

The effect of House Bill No. 25, if the same should become a law, would be to disfranchise a majority of the electors of this

state. We, in North Dakota, realize and well know that March is not the most agreeable time during which to hold an election, and that an election held on the third Tuesday in March would prevent a large number of farmers and their families from partaking in the election.

It is easily seen that this would leave the control of the party machinery of the state in the hands of the city and village electors.

This bill, however, goes further, and if by chance the farmers should be able to proceed to the polls in March and elect their precinct committeemen, then we find that these precinct committeemen, who undoubtedly would be farmers, would have to leave their spring work and proceed to the county seat during the first part of April. We can readily understand that not very many farmers could afford to take the time off to leave their work to attend a precinct committee meeting at such a time. The result would be to more completely leave the control of party machinery in the hands of city and village electors. Then, to make it the more difficult for anyone who might be a delegate to the state convention to attend, the state convention is designated to be held on the second Tuesday in May, which is also an extremely busy season for the farmers of this state.

I am surprised to think that legislators of the State of North Dakota, many of whom are farmers, should be willing to lend their support to a measure of this kind which cannot help but result in disfranchising, for this particular purpose, a large number of people of the state.

There can be no good reason why the precinct committeemen should not be elected in June at the state primary election. It is the one time of the year in which all the people of North Dakota are more or less at leisure; and if any change should be made in the election laws of this state, it would be more reasonable that the presidential election, which is now held in March, should be changed to a more suitable time for the people of North Dakota.

Our rural population needs representation. This cannot be accomplished if election laws are so framed that our farmers will be to a great extent disfranchised.

I can find no valid reason why House Bill No. 25 should become a law. It does not eliminate any elections, there is no saving to the people; but I can see many reasons why the results of this

bill would be very detrimental to an agricultural state like North Dakota, and for these reasons I have vetoed House Bill No. 25.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. On the third Tuesday of March in each Presidential Election year, there shall be held an election at which the qualified electors of political parties existing within this state, as hereinafter provided, shall have opportunity to elect by their votes, from their respective voting precincts, committeemen to represent their political party.

§ 2. Each political party in each voting precinct in this State shall be entitled to elect one precinct committeeman for each 100 votes or major fraction thereof, cast in such precinct at the last preceding Presidential election for the Presidential Elector of such party receiving the highest vote in the State; provided that each precinct shall be entitled to at least one precinct committeeman for each National party. All precinct Committeemen shall be electors of their precinct and shall be elected to serve for a term of four years and until their successor is elected and qualified.

§ 3. Candidates for precinct Committeemen may have their names placed on the separate party ballot of their respective parties within their respective precincts by filing with the County Auditor not more than forty nor less than twenty-five days prior to the election petitions bearing the signatures of not less than five per cent of the last vote in such precinct for the aforesaid candidate for Presidential Elector of the party to which the candidate for Precinct Committeeman belongs. Such nominating petition shall conform with the now existing requirements of law in all matters not specifically provided for herein. Each name on the petition shall be that of a qualified voter and be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing.

§ 4. The names of candidates for election as precinct committeemen shall be printed on separate ballots for each political party. Such ballot shall contain only the names of candidates for Party Precinct Committeeman for whose nomination petitions have been filed with the County Auditor as is herein provided. If no nominating petitions have been filed for any candidate the ballot shall contain blank lines and spaces on which names may be written

or a sticker pasted. The ballot to be used for the election of candidates for said offices shall be prepared for each voting precinct in the County by the County Auditor and distributed by him with other election supplies in the same manner and number for each party as is now provided by law for party primary election ballots. Such ballots shall be in the following form, namely:

PARTY BALLOT

_____ Party.
(Insert Party Name)

To vote this ballot mark an (x) in the square after the name of each of the persons for whom you wish to vote. To vote for a person whose name is not printed on this ballot, write or paste the name in the blank space provided for that purpose.

For Precinct Committeemen

(Vote for _____)

John Doe ☐

Richard Doe ☐

§ 5. No organization, political or otherwise, shall be entitled to a party ballot in the election herein provided for unless said organization nominated and had printed upon the ballot, at the past preceding Presidential election, the names of a set of Presidential Electors pledged to the election of the candidates of said party for President and Vice-President, and further that such candidates for Presidential electors received at least five per cent of the total vote cast for President within the State at said election.

§ 6. The candidate or candidates for Precinct Committeemen equal to the number to be elected, receiving each, for himself, the highest number of votes for such office shall be declared elected. The official returns made by the election Board from each precinct shall show the name and address of each such precinct committeeman duly elected. Upon the canvass of the returns which shall be made within seven days of the date of said election the County Auditor shall immediately issue and mail a Certificate of Election in writing of his election to each precinct committeeman so elected, and notice of the date and place of meeting of such committeemen as hereinafter provided.

§ 7. Except as herein otherwise provided, the ballots above provided for shall be prepared, printed, distributed, voted, canvassed and returned and said election held and conducted in the manner now provided by law for Party primary elections, respectively; likewise, as to notice of election, depositing of ballots, certifying election, penalties for violation of election laws and all other matters not specifically provided for in this act.

§ 8. The Precinct Committeemen elected as herein provided, together with the members of the Legislative Assembly of each party, shall constitute the County Committee of each party. They shall meet in the Court House at the County Seat of each County at two o'clock P. M. on the third Tuesday after such primary election and organize by selecting a chairman, a vice chairman, a secretary and a treasurer, by adopting rules and modes of procedure not in conflict with law, and by selecting an executive committee consisting of from five to eleven persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the State Central Committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district, the precinct committeeman from each legislative district, meeting separately, shall select a legal voter from their respective legislative district to serve on such State Central Committee. When two or more counties are embraced in one legislative district, the county committee of each county shall meet as aforesaid and shall elect a committee of five of its members to meet with a similar committee from the other county or counties comprising such legislative district, at the Court House at the county seat of the senior county of such district at two o'clock P. M. on the Tuesday following their election and proceed to elect a member of such State Central Committee from such legislative district. Each committee shall be entitled to cast the number of votes equal to the number of precinct committeemen elected in its county for such member, in such manner and for such candidate as shall be determined by the majority of such committee. Each member of any committee shall be a legal voter and shall retain such position until his successor is chosen. If any member of such State Central Committee is unable to attend any meeting of such Committee, he shall be authorized to give written proxy to another legal voter of his legislative district or county. Vacancies shall be filled by a majority of the State Committee by appointment from the legislative district in which such vacancy exists. Vacancies in the office of Precinct Committeeman shall be filled by appointment from such Precinct made by the County Executive Committee of such party.

The members so elected as State Central Committeemen shall meet at the State Capitol on the second Tuesday in May at the hour of ten o'clock A. M. and organize by selecting a chairman, a vice chairman, a secretary and a treasurer and by adopting rules and modes of procedure. The officers so elected need not be members of such committee.

§ 9. The precinct committeemen, at their organization meeting aforesaid, shall also elect delegates and alternates to a State party convention to be held as herein provided. One delegate and alternate shall be elected for each 200 votes or major fraction thereof, cast in said County at the last preceding Presidential Election for the Presidential Elector of such party receiving the highest vote in the State; provided that every county shall be entitled to at least one delegate. All delegates and alternates shall be electors of their county. If any delegate shall be unable to attend such convention, he shall designate in writing one of the alternates to attend and represent and act for him.

Said State party convention shall be held at the State Capitol on the second Tuesday in May in each Presidential Election year and shall convene at the hour of ten o'clock A. M.

Such party convention shall nominate the legal number of candidates for their respective parties for the offices of Presidential Electors and shall elect a National Committeeman and the required number of delegates to the National Party Convention and a like number of alternates. The candidate or candidates for such nomination or election receiving the majority vote of the delegates elected to such convention shall be declared nominated or elected and the chairman and secretary of such convention shall issue certificates of nomination or election. If any delegate to such national convention shall be unable to attend, he shall designate in writing one of the alternates to attend and represent and act for him. Every delegate and every alternate appointed as aforesaid to act for a delegate who shall actually attend such convention shall be paid the sum of Two Hundred Dollars by the State Treasurer to cover his traveling and other expenses thereto. The names of the candidates nominated for Presidential Electors shall be certified by the chairman and secretary of such convention to the Secretary of State to be placed upon the general election ballot as now provided by law.

§ 10. If a special election shall be called to fill a vacancy in any office requiring a party nomination, the proper party committee shall call a convention to make party nomination for such office, and the precinct committeemen of the county or district shall be duly convened and shall elect the required number of delegates and alternates to such convention.

§ 11. The provisions of Chapter 129, Laws of 1911, and acts amendatory thereof relating to unfair and corrupt election practices are hereby specifically made applicable to all elections and conventions provided for in this act. Delegates or alternates to any convention provided for herein shall not be bound by any instructions nor by any unit rule and all voting in such conventions shall be by

open ballot, and shall also be by roll call of individual delegates unless two-thirds of the delegates elected to such conventions shall otherwise order.

§ 12. Should a vacancy occur in any nomination for any party office or in the office of National Committeeman, the proper party committee shall have authority to fill such vacancy.

§ 13. It is not the intention hereof to destroy or impair the organization of any party or principle now existing or hereafter to exist, therefore, each of such parties or principles, and each and all of the state, county, district and other committees thereof shall possess all of the power and authority heretofore established and existing by the usage and customs of such parties not inconsistent with any of the provisions hereof.

§ 14. The date of the holding of city elections in Presidential Election years is hereby changed to the third Tuesday in March in each Presidential Election year, and for the purpose of the election provided for by Section one of this act, in all cities, villages and civil townships, the regular election officers thereof shall also act as the election officers for said election, and in unorganized townships and voting precincts outside of cities, villages and civil townships the inspector and two judges of election, or those who have been or may be appointed to fill vacancies in such offices, shall act therein as the inspector and judges of election. The per diem of such election officers and the expenses of said election shall be paid by the several counties of the state the same as for other statewide elections. The city officers elected at such election shall have until the second Tuesday of April in which to qualify for such office.

§ 15. All acts or parts of acts, including Sections 910 to 916, and Sections 917 to 919, inclusive, Compiled Laws 1913, in conflict herewith are hereby repealed.

Vetoed March 10, 1927.

(S. B. No. 134—Carey)

REPEAL PARTY REGISTRATION

An Act to Repeal Sections 917, 918 and 919 of the Compiled Laws of North Dakota of the Year 1913; Relating to Registration of Voters.

VETO

March 10, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 134, an act to repeal Sections 917, 918 and 919 of the Compiled Laws of North Dakota for the year 1913, which is commonly known as the "Party Registration Law."

The law now in existence, as provided for in the sections above mentioned, requires that assessors shall, in the even numbered years, enroll all the qualified electors of the assessing districts in the precinct in which they are entitled to vote. It also provides that the electors must furnish information, upon blanks provided by the assessors for such purpose, showing their qualifications as voters, by stating therein their ages and citizenship, whether citizens by birth or by naturalization. They must also designate the political party with which they have affiliated. This registration statement is then filed with the County Auditor and becomes a permanent record, to which any citizen may refer for information as to who are qualified electors in his particular precinct. It is the only means, so far as I know, whereby a list of qualified electors of the state is provided.

Senate Bill No. 134 provides for the repeal of these sections pertaining to the registration of voters. If this bill became a law, there would be no provision whereby we would know how many or who were qualified electors of the state, except by resorting to the poll books of the various elections.

It is the belief of many of the leading statesmen of this country that the stability of the government depends upon party responsibility. Our nation has been governed through party organizations from the very earliest days of its existence. As long as we have a government electing its officers and officials upon party tickets, I believe it is for our best interests to safeguard such party affiliations. There should be no person in this state, of voting age, who does not know at the time of the registration of voters by the assessor, as to which party he belongs, or the party with which he desires to affiliate.

The law as we have it today does not prevent a person from changing his party affiliations, but in order to do so he must comply with the law. If Senate Bill No. 134 should become a law, it seems to me that it would be but an instrument in the hands of those who term themselves "political bosses," whereby they could the more easily control those voters who are under their domination.

To my mind it is another attempt by those who feel that their power is rapidly slipping away from them, to bolster up their control of governmental officials. We have lived for a great many years under the existing law, and I can see no good which would result

from the repeal of these provisions relating to the registration of voters. I have, therefore, vetoed Senate Bill No. 134, and file the same herewith.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. REPEAL.] That Sections 917, 918 and 919 of the Compiled Laws of North Dakota of the year 1913 be, and the same are hereby repealed.

Vetoed March 10, 1927.

(S. B. No. 127—Ployhar)

GARNISHMENT OF WAGES

An Act to Amend and Re-enact Section 7567 of the Supplement to Compiled Laws of North Dakota for 1913.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 127, an act to amend and re-enact Section 7567 of the Supplement to the Compiled Laws of North Dakota for 1913, which provides that any employe or servant of the state shall be subject to garnishment proceedings upon an indebtedness.

It is a generally accepted principle of common law that the United States Government or the State of North Dakota, or any other state of the union, cannot be made subject to garnishment actions upon any indebtedness of any employe of the government or state. This bill provides that the office of the State Auditor of North Dakota shall become a collection agency for any person who sells goods to an employe of the state who does not pay his bills.

Credit information on individuals can be obtained through any well regulated credit association, and any merchant who sells merchandise to any employe of the state with poor credit rating, knowing that such person cannot be garnisheed, uses very poor business judgment.

North Dakota is a progressive state, but I believe it is going too far when merchants of the state attempt to force the State Auditor to collect bad accounts for them.

I, therefore, veto Senate Bill 127, and file the same herewith.

Very truly yours,

A. G. SORLIE,

Governor.

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

§ 1. That Section 7567 of the Supplement to the Compiled Laws 1913 be and the same hereby is amended and re-enacted to read as follows:

§ 7567. CREDITORS MAY PROCEED BY GARNISHMENT OF WAGES.] Any creditor shall be entitled to proceed by garnishment in any court having jurisdiction of the subject of the action against any person, including a public corporation (a municipal corporation, the State of North Dakota, or any institution, department or agency of the state), who shall be indebted to or have any property whatever, real or personal, in his possession or under his control, belonging to such creditor's debtor, in the cases, upon the conditions and in the manner prescribed in this chapter. The term plaintiff is used in this chapter to embrace every judgment creditor and the term defendant a judgment debtor. Provided that the wages or salary of any person who is the head of a family and a resident of this state, to the amount of \$15.00 per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary not to exceed the sum of \$15.00 per week of each week's wages earned by him, when due, upon such wage earner making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this state, notwithstanding the service of such writ, and the surplus only of such exempt salary or wages shall be held by the employer to abide the event of the garnishment suit. At least two days prior to the issuance of any garnishment summons the creditor shall cause demand to be served upon the debtor and the employer for the excess above the amount herein exempted. Such demand with proof of service shall be filed with the court at the time of the issuance of garnishment summons. Failure to serve or file said notice as herein provided shall render said garnishment void. The excess of wages over and above the amount herein exempted shall be held by the employer subject to such garnishment from the time of service of such demand and for five days thereafter.

Provided, however, that no defendant or garnishee, whether such garnishee be a municipal corporation, the State of North Dakota, or a department, institution or agency of the state, shall be permitted to defend the garnishment on the ground that the defendant is an officer, agent, servant or employee of such garnishee.

Vetoed March 9, 1927.

(S. B. No. 55—Eastgate)

STATE HAIL INSURANCE

An Act to Amend and Re-enact Sections 189b1, 189b5, 189b9, 189b11, 189b12, 189b25, 189b29 and 189b30 of the Supplement to the Compiled Laws 1913.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 55, which incorporates several bills in one. If the provisions incorporated in this bill had been made into separate bills, some would have been good; but it hardly seems possible that anyone could have expected the bill as presented to me to become a law.

Some of our legislators seem to work on the theory that if they can incorporate two or three good ideas along with three or four bad, their bills will slip through and become laws.

Because of the bad provisions included in this bill I have vetoed it, and herewith file the bill with you.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 189b1 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b1. The term "tillable land" when used in this act shall mean all lands suitable or capable of agricultural cultivation, whether used as such or not, and shall not mean rough, mountainous, timbered, stony, sandy, alkali, swampy or lands flooded to such an extent as to be unprofitable for the purpose of agricultural cultivation. The term "cropped land" when used in this act shall mean all lands actually in such crop or intended to be planted or sown into such crops as wheat, rye, barley, oats, speltz, flax and corn. The term year whenever used in this act shall mean the calendar year.

§ 2. That Section 189b5 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b5. The crops insured under this act shall consist of wheat, rye, barley, oats, speltz, flax and corn grown on cultivated

lands, listed as actually cropped, subject to and paying the taxes herein specified, or which is insured according to Section 24 of this act. Provided that no indemnity shall be allowed or paid for damage to any crop after it is cut, nor shall any indemnity be allowed for loss that occurs after the 15th day of September of any year except that flax shall be considered insured up to and including September 25th if not cut before such time, nor shall indemnity be allowed for loss occurring before the first day of June on winter rye and winter wheat, nor before the 10th day of June on spring wheat, spring rye, barley, oats, speltz, flax and corn. Provided that in counties which are "excepted counties" as defined in Section 3 of this act, no insurance upon any crop shall take effect until application has been made therefor. Provided that it shall be the duty of the assessor to show on the crop listing affidavit, in a space provided therefor, the number of acres and kind of crop. Provided that when listing is effected in the manner and form as above provided no diagramming of such crops shall be considered necessary. Provided further that where fields have been abandoned for one reason or another there shall be no claim allowed for any loss or damage to crops described in this act. It is further provided that such lands owned by the Bank of North Dakota or held by such institution as agent for the State Treasurer as Trustee of the State of North Dakota, and lands held by the Board of University and School Lands on foreclosed mortgages, and not resold, also such lands as such Board of University and School Lands has cancelled contracts for non-payment of taxes or other defaults shall not be considered insured with the Department except as provided in Section 24 of the Hail Insurance Law, and it shall be the duty of the State Land Commissioner and the Manager of the Bank of North Dakota to furnish the State Hail Insurance Department with a list of all such lands not later than June 10th of each year. Where counties and other subdivisions hold non-taxable lands, it shall be the duty of the County Auditor to furnish the Hail Department with lists of such lands by the 10th of June of each year that proper cancellation of any erroneous listings may be effected.

§ 3. That Section 189b9 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b9. It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment to return the number of tillable acres in every tract, parcel or subdivision of land, subject to taxation, together with the name of the person in whose name the land is taxed, and also the number of acres of such land, if any, in crop or to be sown or planted to

crop during such year. He shall note upon a diagram on the crop listing blank the location of such land in crop or to be planted or sown to crop during such year and shall return and file the same with the County Auditor on or before the 1st day of June in each year. In case the number of acres in crop, as shown on the crop-listing affidavit in the column providing for showing such crop lands, does not correspond with the crop acreage shown on the diagram on the crop-listing affidavit, the number of acres as given in the cropped land column shall govern. Such assessor, in addition to the compensation allowed by law, shall receive the sum of \$15.00 for every full township of thirty-six sections, or at the rate of seven cents per hundred acres or fraction thereof listed, whether tillable or not.

Provided that in "excepted counties," as defined herein, assessors shall be paid a fee of twenty-five cents for each application for hail insurance returned by him, but such compensation shall not exceed 90% of the compensation allowable to assessors in other than "excepted counties." Such compensation shall be paid out of the hail insurance fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board, provided that warrants in payment of such listing of land and making such applications shall not be issued before the County Auditor shall have filed with the Hail Insurance Department a certified statement that such assessor has listed every tract in his township or district. The assessor, county auditor and all officers, employees and servants of the State Hail Department, in the performance of all of their duties provided for in the State Hail Insurance Law, shall be conclusively deemed to be the agents of the State Hail Department and the law of waiver and estoppel shall operate against the State Hail Department as against a private individual or a private corporation. This act shall apply to all past and pending claims for crop losses by hail which have arisen subsequent to January 1st, 1925.

Provided, however: In counties where 75% or more of the land returned by the assessor as in crop, or to be sown to crop, is withdrawn for the year 1927, the assessor shall not make return of land in crop to be sown to crop, except that upon request of land owners or tenants he shall take applications for indemnity hail insurance of crops growing or to be grown upon any land otherwise eligible, for which such land owner or tenant, either individually or jointly, may make application, and which application shall be signed in triplicate by the party requesting such insurance and attested by the assessor, whereupon such lands shall be listed and diagramed on the crop-listing affidavit and returned as herein provided, together with the

original and one duplicate copy of such application, the remaining duplicate copy to be redelivered to the applicant. Provided, that anyone listing and insuring crops with the assessor or the county auditor in excepted counties shall have all the privilege of withdrawal and reinstatement accorded to those whose lands are listed and assured in other counties. Such counties shall be known as "excepted counties" until such time as the land so listed for insurance upon application as aforesaid shall equal twenty-five per cent of the land returned as in crop or to be sown or planted to crop in the year 1927, when they shall cease to be "excepted counties" and shall be no longer subject to this proviso. Provided further, that in any such reinstated counties should lands withdrawn in any subsequent year again exceed 75 per cent of the lands in crop or to be sown to crops, as returned by the assessor for the year 1927, then and in that case such counties shall again be classified as "excepted counties."

It shall be the duty of the Insurance Commissioner each year, before the 15th day of February, to notify the auditors of the several counties whether their respective counties are "excepted counties" or otherwise, and the auditor shall thereupon cause notice of that fact to be published in the official paper once a week for four consecutive weeks and shall notify the assessors in his county thereof.

§ 4. That Section 189b11 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b11. Every owner or his agent, or tenant or his agent, of any land subject to the provisions of this act shall make affidavit that the land so insured is actually cultivated and in crop or intended to be cultivated and put into crop. Such affidavit shall contain a legal description of the land, together with the number of acres claimed as crop land and in case of any loss by hail such owner and tenant shall be bound by said affidavit as to the number of acres cropped. Such affidavit shall be made in triplicate and shall be sworn to before the assessor. The assessor shall file the original and one duplicate of such affidavit with the County Auditor on or before the 1st day of June of each year, and a copy of such affidavit shall be left with the maker and shall constitute his policy of insurance. If the owner or tenant, or their agents, be absent or refuses or neglects to furnish such affidavit, the assessor shall certify the number of acres cropped, the description of said land, and the name of the owner and tenant, if any, and file the same with the County Auditor, and such owner and tenant shall be bound by such certificate as to

the facts so certified. Provided, that if any assessor shall neglect to list such land or shall list it improperly, any such owner or tenant, or their respective agents, may list such land with the County Auditor prior to June 10th of any year by making affidavits as above provided, the originals of such affidavits to be filed by the County Auditor with the Hail Insurance Department immediately. Any assessor who shall neglect or fail to list any land in the township or district in which he is assessor, as provided in this section, shall be guilty of a misdemeanor. Provided, that the Hail Insurance Department shall be liable for loss only on lands listed as provided in this act.

Provided, however: In counties defined as "excepted counties" by Section 189b9 of the Supplement to the Compiled Laws 1913, of this act, the requirements of this section shall be limited to cases in which application is made for indemnity hail insurance as in said section provided for.

Provided, further, any land owner or tenant who fails to make application for insurance to the assessor prior to June 1st of each year, or whose application therefor has for any reason been improperly made or returned, may make application for such insurance to the County Auditor at any time up to and including July 5th, in which event he shall make and file with such auditor his affidavit that such crops have not been damaged or destroyed by hail prior to that time, and such applications shall have the same effect as an application made to the assessor as hereinbefore provided, but no insurance so applied for shall take effect until twenty-four hours after the receipt and filing of such application with the County Auditor.

§ 5. That Section 189b12 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b12. Any owner of land liable for the indemnity tax herein provided may at any time prior to June 10th of each year withdraw any portion or all lands owned by such person from the levy of said hail indemnity tax upon making an affidavit in duplicate giving the legal description of the land, the number of acres withdrawn and, if possible, the kind of crop so withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit in duplicate with the County Auditor, and the County Auditor shall immediately file a copy of same with the Commissioner of Insurance. Such affidavit shall be sworn to before someone authorized to administer oaths. Provided that no assessor shall acknowledge affidavits of withdrawal. Should such owner wish to withdraw all of his lands subject to indemnity tax, then he should, if possible, surrender his copy of the crop-listing affidavit and file same together

with the application for withdrawal with the County Auditor. Provided that if such land or any portion thereof is rented such owner shall procure the written consent to withdrawal of such tenant, such consent to appear on the same blank as the affidavit of withdrawal. Provided if land is leased for a money consideration, then the lessee, if he has full interest in the crops grown on the lands, may make affidavit as above provided and file with same copy of his lease or affidavit to the effect that he is cash tenant. Provided further, that withdrawal from hail indemnity tax may be cancelled and insurance re-instated at any time prior to July 10th by filing an affidavit of application for such re-instatement in duplicate with the County Auditor on blanks furnished by the Hail Insurance Department, and the County Auditor shall immediately file a copy of such application with the Hail Insurance Department. Provided that, if land is rented, both the owner's and tenant's signatures must appear on such application for re-instatement, one or both of such signatures to be acknowledged by someone authorized to administer oaths. It is further provided that any portion of the crops originally withdrawn may be reinstated and that such re-instated insurance as above provided shall not take effect prior to 24 hours after such application for re-instatement is filed in the office of the Hail Insurance Department, Bismarck, North Dakota. The Hail Insurance Department shall not be liable for loss during the time withdrawal is in effect, and the application for re-instatement shall contain a sworn statement to the effect that such crops have not been damaged or destroyed by hail prior to the making of such application. Every owner of land shall have a self-executing first lien upon all crops and grains belonging to the tenant as security for the payment of said tax or the part of such tax, properly chargeable to such tenant, which shall be in the same proportion as he has interest in the crop. It is further provided that in such cases where payment of hail indemnity taxes have been evaded, as where mortgagees and others pay general taxes without paying the hail indemnity tax where the county is shown to hold such taxes, the Hail Insurance Department shall cancel the protection on any and all such lands until such time that such hail indemnity taxes with accumulated interest shall have been paid, or until the time that title shall have passed to another owner except the original mortgagor. And it shall be the duty of the County Auditors to notify the Hail Insurance Department when such evasions occur as well as when such payments are made, that re-instatements may be effected in accordance with such rules and regulations as the Commissioner of Insurance may determine. It is further provided that lands covered by mortgage, where such mortgage has

been foreclosed, such land shall not be insured with the State Hail Insurance Department during the period of redemption, except that such lands may be protected according to Section 24 of the Hail Law Act, and it shall be the duty of the sheriff of each and every county in the state, not later than the 10th day of June of each year, to furnish the Hail Insurance Department with a complete list of lands in his county on which the period of redemption expires during the then current year and after June 10th of such year, giving the date when sheriff's certificate was issued as well as the name and address of mortgagor and holder of such sheriff's certificate. Provided, further, that it shall be the duty of the county auditors to distribute to the assessors such hail insurance blanks as are furnished him by the Hail Insurance Department.

§ 6. That Section 189b25 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b25. The Hail Insurance Department may insure crops upon homestead land on which patent has not been issued and also on land within the boundaries of Indian Reservations upon the application of homestead entryman or lessee of Indian lands, as the case may be. The department may also furnish protection on lands owned by the Board of University and School Lands on which contracts for sale have been cancelled or which may have been acquired by sheriff's deed on foreclosure of mortgage, and on such lands owned by the Farm Loan Department of the Bank of North Dakota as agent for the State Treasurer as Trustee for the State of North Dakota, and on such lands as may be owned by counties and not taxable, and on such lands that failed to be listed prior to the 10th day of June, also on other lands and crops not otherwise insured with the department, such applications to be made upon blanks furnished by the Commissioner of Insurance under such rules and regulations as he may direct, and may not be filed later than August 1st of each year; such applications to be verified and contain a statement to the effect that the crops upon such lands have not theretofore been damaged by hail, and shall be accompanied by a certified check or draft for the premium figured at the rate of 60 cents an acre for \$7.00 per acre protection. Provided further, that the Commissioner of Insurance shall, after the actual per acre levy has been determined, make refunds to such applicants in such amounts as will make the cost per acre not more for crops insured under this section than the cost per acre as ascertained under the provisions of Section 189b7 of the Supplement to Compiled Laws 1913, of this act. Provided further, that such insurance shall become effective from the hour of the receipt of such application in the office of the Hail Insurance Department.

§ 7. That Section 189b29 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b29. The county commissioners, with the approval of the Commissioner of Insurance, may, in case of error, reduce the number of acres shown as listed for such season as cropped land when proof is furnished that a smaller acreage was actually cropped, or that part of such acreage was summer fallowed. Provided that such applications asking reduction from listed acreage must be submitted to the Hail Insurance Department for approval not later than the first of October of the year listing was made, in order that the levy for hail indemnity tax may be based on the proper acreage. Provided, further, that in similar manner the Insurance Commissioner may, in case of error, abate any hail insurance tax wrongfully levied and refund any such tax wrongfully collected under the provisions of this act upon presentation to him of a written application in the manner and form as the Commissioner of Insurance may provide.

§ 8. That Section 189b30 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b30. The Commissioner of Insurance shall have no discretion to allow any claim for loss made or filed after sixty days from the time such loss occurred, nor later than October 1st of that year. Civil actions may be brought against the State of North Dakota on all causes of action arising out of transactions connected with the operation of the Hail Insurance Department of the State of North Dakota. In such actions the state shall be designated as the State of North Dakota, doing business as the Hail Insurance Department of the State of North Dakota, and the service of process therein shall be made upon the Commissioner of Insurance. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions may be brought in the county where the crop is or was grown. The provisions of Sections 375 and 657, the Compiled Laws of 1913, shall not apply to claims against the state affected by the provisions of this section. A judgment rendered in such an action shall constitute an allowed claim against the Hail Department of the State of North Dakota, and shall be paid in the same mode and manner as other allowed claims against the Hail Department of the State of North Dakota. No action upon any claim for loss by hail shall be brought after three years from the time the loss occurred, and no action for a refund of indemnity or flat tax, or both, paid, shall be brought after three years from the first of December of the year for

which such indemnity or flat tax was levied. Provided, that the limitation contained herein shall not apply to purchasers or assignees of tax sale certificates. Provided, that this act shall not apply to arbitration of adjustment of claims provided in Section 189b17, Supplement of the Compiled Laws of North Dakota for 1913. Provided further, that any acts or parts of acts in conflict with any of the provisions of this act are hereby expressly repealed. This section shall apply to all past and pending claims for crop losses by hail, which have arisen subsequent to January 1st, 1925.

Vetoed March 8, 1927.

(H. B. No. 243—Committee on Appropriations)

BUDGET STATE HAIL INSURANCE DEPT.

An Act to Amend and Re-enact Section 189b3 of the Supplement to the Compiled Laws of 1913.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 243, an act to amend and re-enact Section 189b3 of the Supplement to the Compiled Laws of 1913, providing for a budget for the State Hail Insurance Department. I disapprove of this bill and have vetoed the same for the following reasons:

The Hail Insurance Department is a business institution with expenditures varying greatly from year to year depending upon the number of hail loss claims filed with the department. It is impossible to estimate the cost of operating this department because no one is able to foresee the expenses involved in the adjustment of losses, which vary from year to year.

A bill similar to this was passed by the 1925 Legislative Session and was vetoed for the same reasons as stated herein.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. AMENDMENT.] Section 189b3 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 189b3. COMMISSIONER TO EMPLOY HELP.] The commissioner of insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The commissioner of insurance shall designate the duties and fix the compensation of all such employees, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the hail insurance department shall remain within the appropriation made annually for such purpose, except as provided for by Sections 16 and 17 of this act. The commissioner of insurance shall pay all salaries and expenses of the department after March 1st, 1920, by vouchers issued by him and approved by the state auditing board, and reimburse the general fund of the state out of the hail insurance fund, for all money appropriated, expended or disbursed on behalf of such department.

There is hereby appropriated out of the hail indemnity levy made in the year 1927 the sum of One Hundred Thirty-five Thousand Dollars (\$135,000.00) and a like sum out of the hail indemnity levy made in the year 1928, for the purpose of operating and maintaining the said hail department for the next succeeding year in which said indemnity levy is made.

No appropriation is made to operate said department for the year 1927 for the reason that One Hundred Seventy-six Thousand Dollars (\$176,000.00) (more than a sufficient amount) has been appropriated out of the indemnity levy made in the year 1926. Provided further that not later than August 1st of each year next preceding the session of the legislative assembly, the State Auditor shall send to the manager of the State Hail Insurance Department a suitable blank form to be filled out by the said manager, with an itemized statement of the amount of money which said manager considers necessary for the proper maintenance and operation of his department, during the two fiscal years next ensuing. The said manager shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the legislative assembly, to the State Auditor together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by the said manager of the Hail Department.

Vetoed March 8, 1927.

(H. B. No. 274—Miller and Streich)

TYPES OF PAVING TO BE SPECIFIED IN BIDS

An Act Governing Specifications and Bids Upon Paving, Requiring Bids Upon Several Types to Be Asked For.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file with you House Bill 274 without my approval.

This bill seems to have been intended to aid someone in the sale of patent process paving. North Dakota has had enough paving scandals without having such a law as this bill proposes on its statute books to encourage more such nauseating affairs as most citizens can recall having happened during the last few years.

It is possible that the bill is an attempt to overcome, by legal means, the resentment which these paving scandals have caused.

It is a splendid idea for all of us to help one another. On the other hand it is unfair to attempt to use a law to thrust something down the throats of city or county boards of commissioners which their sound judgment would cause them to reject. The State Highway Commission has already gone on record as rejecting the use of patent types of paving. I see no reason for forcing city boards to ask for bids on such patent paving if they have no wish to use it.

I have vetoed this bill because I believe it to be contrary to sound public policy and against the interests of honest government.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. In preparing specifications and advertising for bids for any paving construction, all governing boards of municipalities and Boards of County Commissioners and the State Highway Department shall provide specifications and ask for bids upon such types of pavement as they deem advisable; but shall include all the several types of pavement heretofore laid in any three or more municipalities of the State of North Dakota.

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

Vetoed March 8, 1927.

(H. B. No. 202—Cox)

**SINKING AND INTEREST PAYMENT FUND, N. D.
REAL ESTATE BONDS**

An Act to Amend Sections 7, 9 and 13, Chapter 292, Session Laws of 1923, Relating to the Bonds of North Dakota Real Estate Series; and to Amend Sections 9 and 12, Chapter 292, of the Session Laws of 1923, as Amended by Sections 2 and 3 of Chapter 100 of the Session Laws of 1925, Relating to the Bonds of North Dakota Real Estate Series.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 202 without my approval.

This bill attempts to set up a procedure to be followed by the State Treasurer as trustee of the State of North Dakota in the handling of foreclosures upon lands upon which the Bank of North Dakota has taken a mortgage through its farm loan department.

The law now in effect provides for a comprehensive and full procedure for the State Treasurer as well as the State Board of Equalization, and this bill is unnecessary and superfluous. It attempts by legislative enactment to establish that there is a deficit in the real estate bond interest fund.

It also provides that the State Board of Equalization, which is composed of five state officials, shall be subject to the control of the Industrial Commission in making levies for real estate bond sinking and interest fund. The State Board of Equalization is fully competent to take care of this situation, and it is poor policy to make one board of five officials subject to the mandatory control of another board of three officials; especially so when two members of the Industrial Commission are also members of the Board of Equalization.

This bill also provides that tax levies may be made against the people of this state without any reason or necessity for such levies. This is contrary to sound public policy. The laws now in effect relating to the Bank of North Dakota and the farm loan department

provides all the machinery necessary. This bill serves no real purpose and is therefore unnecessary.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. AMENDMENT.] That Section 7 of Chapter 292, Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 7. After such assignment of any mortgage, and the obligation thereby secured, all payments accrued thereon shall be made to the State Treasurer. He shall hold and use said mortgage, obligations and moneys paid thereon in trust; first, for the security and payment of bonds to be issued as herein provided, and second, for redelivery to The Bank of North Dakota of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall segregate such moneys into separate funds designated as follows: First, "REAL ESTATE BOND SINKING FUND," and in this fund shall place all sums collected for the purpose of retiring the principal of said bonds at the maturity of the same; second, "REAL ESTATE BOND INTEREST PAYMENT FUND," and into this fund he shall place all moneys collected for the purpose of paying interest on said bonds, except the administration fee of one-half of one per cent. to be paid to the Bank of North Dakota as provided in this act. All principal payments made on notes and the mortgages securing the same shall be placed in the REAL ESTATE BOND SINKING FUND, and all interest payments made on notes and the mortgages securing the same shall be placed in the REAL ESTATE BOND INTEREST PAYMENT FUND. Such funds shall not be intermingled and no payments shall be made out of either of such funds except for the purpose for which they are created, except as provided by this act. Such funds shall be kept apart from all funds in his possession. He shall also keep in said funds as a part thereof for the same purpose, in the same manner and under the same limitations, and conditions, all moneys received by him whether from the proceeds of taxes or from payments made by the Industrial Commission or from legislative appropriation or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the principal of said bonds or to the interest thereon. The State Treasurer is authorized, with the approval of the Industrial Commission of the State of North Dakota, to invest the funds before designated as REAL ESTATE BOND SINKING FUNDS in approved United

States Government Bonds, State Bonds, or Certificates of Indebtedness of the State of North Dakota, or municipal bonds. No other disposition, appropriation, or otherwise, shall ever be made of the money in said funds until said bonds shall be fully paid; or until the time limit provided by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the Industrial Commission as hereinbefore provided shall be returned to the State Treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund. It shall be unlawful for the State Treasurer to make any other disposition or appropriation of said funds until said bonds shall be fully paid, and upon conviction of so doing, the State Treasurer shall be liable to a fine of not to exceed One Thousand Dollars (\$1,000.00), or imprisonment not to exceed one (1) year, or both, at the discretion of the court.

§ 2. AMENDMENT.] That Section 9 of Chapter 292, Session Laws of 1923, as amended by Chapter 100, Section 2 of the Session Laws of 1925, is hereby amended and re-enacted to read as follows:

§ 9. If the obligation secured by any such mortgage so held by the State Treasurer shall not be performed by the mortgagor, according to its terms, or if any condition expressed in any such mortgage shall not be performed and kept according to its terms, the State Treasurer shall certify the facts to the Manager of The Bank of North Dakota, who shall proceed as agent of the State Treasurer as Trustee for the State of North Dakota, by foreclosure or otherwise, to make collection of the obligation secured, and it is hereby made the duty of The Bank of North Dakota to make collection of principal and interest on all mortgages taken hereunder, and it shall be the duty of the State Treasurer, from time to time, to certify to The Bank of North Dakota a list of such obligations and mortgages delivered to him, showing payment made and amounts remaining unpaid, to the end that a duplicate record may at all times be kept up to date in The Bank of North Dakota. The Bank of North Dakota shall turn over to the State Treasurer and take receipt for all moneys collected by it with an itemized statement showing on which obligations such payments and collections have been made and are to be credited, together with the date of payment, such statement and remittance shall be made within twenty days after receipt of such payments by it. The mortgagor may make payment direct to the State Treasurer, and he shall daily, as such payments are made, make an itemized statement and report thereof to The Bank of North Dakota. In case default shall occur in the payments or conditions of any mortgage, heretofore or hereafter

taken, which default shall continue for a period of one year, then, and in that case, it shall be the duty of The Bank of North Dakota to foreclose upon such mortgage or to otherwise make collection of the obligation thereby secured. The Bank of North Dakota may, in its discretion, in order to make collection thereof, negotiate a sale of any such mortgage which may be in default, and upon payment of the full amount of the mortgage, the State Treasurer shall execute and deliver a proper assignment and indorse without recourse and deliver the note secured thereby. The Bank of North Dakota may also, in its discretion, instead of foreclosing, take a conveyance from the owner to the State Treasurer as Trustee for the State of North Dakota in payment of the mortgage covering the land conveyed; provided, however, in case of foreclosure no Power of Attorney or Attorney's Affidavit as to fees shall be required, but there shall be included in the item of costs of such foreclosure all legal costs and disbursements incurred, including all taxes paid by said Bank and interest thereon from date of such payment at six per cent. per annum, which shall belong to The Bank of North Dakota and be credited to the department therein handling such collection and foreclosure proceedings. If at such foreclosure sale no bid is made equal to the amount due at the date of sale, including costs, taxes paid, disbursements and statutory attorney's fees, the property shall be bid in in the name of the State Treasurer as Trustee for the State of North Dakota. After deducting the costs, taxes paid, disbursements and expenses of foreclosure, including any interest paid to effect redemption from such sale, the net proceeds of such sale or the net proceeds of a redemption from such sale in case redemption is made, shall be paid over to the State Treasurer and shall by him be used to purchase at the then current market price, as nearly as may be possible, an equivalent amount in bonds issued in accordance with this act, or he may require the Bank of North Dakota to substitute new mortgages therefor as provided in Section 10 of this act. The bonds so purchased by the State Treasurer shall be cancelled by a board consisting of the Governor, State Treasurer and Secretary of State. An appropriate record thereof shall be made and kept by the State Treasurer. In case no redemption is made from such foreclosure sale in a manner provided by law, a Sheriff's Deed shall be issued to the "State Treasury as Trustee for the State of North Dakota." Any land, title to which is acquired through foreclosure, or otherwise, may be sold by the State Treasurer, as such Trustee, through The Bank of North Dakota acting as his agent, for the best price and terms obtainable; all net proceeds of such sales, exclusive of taxes paid and costs and disbursements incurred by The Bank of North Dakota, shall accrue, in proper proportions, to the REAL ESTATE BOND SINKING FUND and the REAL ESTATE BOND INTEREST PAYMENT FUND. Any

such sale must be approved in writing by the Industrial Commission, and any deed or contract for deed shall be executed by the Treasurer of the State of North Dakota as Trustee.

§ 3. AMENDMENT.] That Section 12 of Chapter 292, Session Laws of 1923, as amended by Section 3 of Chapter 100, Session Laws of 1925, be amended and re-enacted to read as follows:

§ 12. The Industrial Commission shall prepare a statement in July of each year showing the condition of the REAL ESTATE BOND SINKING FUND and the REAL ESTATE BOND INTEREST PAYMENT FUND. Such statement shall be approved by the State Treasurer and shall be presented to the State Board of Equalization at its annual meeting of the same year, together with the recommendation of the Industrial Commission. If an actual deficit exists in either or both of said funds, on July 1, 1927, or annually thereafter, it shall be mandatory upon the said board to make an annual levy of taxes sufficient to make good the deficit in such fund, including a levy to restore said fund to solvency as hereinafter defined, on account of depletion of said fund or funds prior to the adoption of this act. If at the time said statement is made, an actual deficit does not exist, but by reason of adverse crop conditions, or for any other reason, the Industrial Commission shall anticipate a deficit in either or both of said funds during the ensuing year, it shall recommend tax levies to meet such anticipated deficits, and it shall be mandatory upon the Board of Equalization to make such levies in accordance with such recommendation. It being the intent and purpose of this act that at all times both of said funds shall have sufficient moneys on hand to meet all payments of principal and interest when the same become due, and to make it mandatory upon the Industrial Commission to recommend and the State Board of Equalization to make annual levies when necessary in order that both of such funds shall be kept in such condition that the interest payments on North Dakota Bonds, Real Estate Series, shall be promptly paid out of funds collected or levied for interest payments only and that each year the sinking fund created for the purpose of retiring such bonds shall be proportionately increased so that this fund shall at all times during the life of said bonds be solvent and have in it the proper amount, taking into consideration the number of years before the due date of said bonds, to retire the principal of such bonds at maturity. Provided, however, if there are not sufficient funds in the REAL ESTATE BOND INTEREST PAYMENT FUND to meet the payment of interest due on real estate series bonds on any interest payment date, the State Treasurer is authorized to borrow sufficient funds by the issuance

of certificates of indebtedness of the State of North Dakota, to make such payment. Such certificate shall be issued in anticipation of taxes levied or to be levied, shall be signed by the Governor and the State Treasurer, shall mature not more than thirty months from the date of issuance, and shall bear interest at a rate not to exceed six per cent. per annum. Such certificates of indebtedness shall be in the form as prescribed by the State Treasurer. When such money is borrowed by the state, the fund is to be reimbursed annually as hereinbefore provided.

§ 4. AMENDMENT.] That Section 13 of Chapter 292, Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 13. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as the occasion may arise under the terms of this act; provided, however, that at no time shall the amount of bonds issued and outstanding, pursuant to the terms of this act, exceed the amount of thirty million dollars. The State Treasurer shall pay to the Bank of North Dakota, quarterly, on the first day of January, April, July and October in each year, the administration charge included in the interest rate upon all mortgages deposited with him.

Vetoed March 9, 1927.

(H. B. No. 252—Gudmestad, Miller and Twichell)

PAYMENT OF TAXES BY BANK OF NORTH DAKOTA

An Act to Provide for the Payment by the Bank of North Dakota of Taxes on Certain Lands that the State Treasurer as Trustee of the State of North Dakota Holds as Security Under Chapter 154, of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and Acts Amendatory Thereof; Making an Appropriation Therefor; Providing for the Reimbursement of the Bank of North Dakota Therefrom and Establishing a Revolving Fund Therefor.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I file herewith House Bill No. 252 without my approval.

This bill provides for the appropriation of \$250,000 to pay individuals who may hold tax certificates against lands foreclosed on by the Bank of North Dakota.

Up to the present time the Bank of North Dakota has taken care of such tax certificates, and as a sound business proposition

there is no reason why the Bank should not be able to take care of the estimated \$65,000 additional. It has already taken care of certificates amounting to \$120,000.

This appropriation is entirely unnecessary. The Bank of North Dakota has several million dollars on deposit outside the state at the present time, drawing $1\frac{1}{2}$ per cent interest. Tax certificates on foreclosures will not draw less than 6 per cent. It is high time that we commenced using our own money at home instead of sending it outside the state to be used in developing other sections of the country rather than our own state.

I, therefore, veto this bill.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. Whenever any lands on which the State Treasurer as Trustee of the State of North Dakota holds a mortgage, sheriff's certificate of foreclosure, or deed taken under the provisions of Chapter 154, of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and acts amendatory thereof, have been heretofore, or which may hereafter be sold for taxes and the tax certificates are held and owned by any purchaser other than the county, it shall be the duty of the Bank of North Dakota, as agent for the State Treasurer as Trustee of the State of North Dakota, to redeem said lands from such tax sales before the statutory period of redemption expires, and such redemptions shall be made out of the funds herein provided.

§ 2. There is hereby appropriated out of any funds of the State Treasury, not otherwise appropriated, the sum of \$250,000.00 to carry out the provisions of this act; and such appropriation is hereby constituted a revolving fund for such purposes. Payments therefrom shall only be made on voucher payable to and approved by the Bank of North Dakota; provided, that the Bank of North Dakota shall, whenever any of such lands are sold, deduct from the proceeds of the sale price received therefor, the amount of the taxes paid thereon and return such amount to the State Treasury, which sum shall be credited to the revolving fund herein created; and provided further, that the Bank of North Dakota shall be reimbursed out of said fund for all taxes paid by it upon such lands to the taking effect of this act.

§ 3. This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Vetoed March 9, 1927.

(H. B. No. 224—Traynor)

AUDITOR'S NOTICE OF DELINQUENT TAX SALE
An Act to Amend and Re-enact Sections 2189, 2191, 2192 and 2197 and to Repeal Section 2197a of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Tax Sales and Redemption Therefrom.

VETO

March 7, 1927.

THE HONORABLE ROBERT BYRNE,
Secretary of State,
Bismarck, North Dakota.

Dear Sir:

I have before me House Bill No. 224 which provides for the separation of the Hail Tax from the Real Estate Tax in publishing notices of Tax Sales. If this law should go into effect it would result in an added expense to the counties by reason of the requirement for the separate publication of real estate and hail tax delinquent lists.

The thought in this bill was to make tax certificates more saleable. However, with Senate Bill 185 becoming a law, hail tax certificates would be just as saleable and a better investment than the other tax certificates.

For the sake of economy and for the purpose of cutting down on the duplication of work in departments, and for the purpose of saving on taxes by eliminating all superfluous publications and notices, I have vetoed this bill.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 2189 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2189. AUDITOR'S NOTICE OF DELINQUENT TAX SALE; HOW PUBLISHED; WHAT TO CONTAIN.] The county auditor shall give

notice of the delinquent real estate tax sale in the official newspaper of the county. Such delinquent tax sale notice shall be published weekly in such paper for two successive weeks, the first publication of such notice to be made at least fourteen days prior to the date of such sale, and such notice as published shall be signed and certified to by the county auditor. It shall contain the information that all lands upon which taxes for the preceding year (describing the same) remain unpaid, shall be sold, and shall state the time and place of such sale, which sale shall be held on the second Tuesday in December of each year. Such notice shall contain the name of the owner of each lot or tract, as by the records appear, the description of such lot or tract, and the total amount of tax and penalty due, in which amount as so printed shall be included by the county auditor the sum of twenty-five cents as the cost and expense of advertising each such lot or tract. It shall be the duty of the county treasurer between the first day of November and the fifteenth day of November, prior to the date of sale, to mail to each owner of any lot or tract of land which shall be offered for sale, as by the records appears, a notice giving the legal description of such lot or tract to be offered for sale, and stating that such lot or tract will be sold for delinquent taxes unless such delinquent tax with penalty, interest and any cost of advertising, be paid prior to said sale.

Such delinquent tax sale notice as published, shall be printed in the following manner: Such list shall be printed in single columns 12½ to 13 ems pica in width, in six point type set solid. Headings and sub-headings shall be set in six point bold face type. Whenever practical, the description as to township, range, addition, subdivision and block shall be set as a sub-heading preceding the description of tracts and lots in such township, range, addition, subdivision or block, so as to preclude the necessity of the township, range, addition, sub-division or block being printed separately as a part of each description. Tracts and lots shall be, as far as practical, described in such notice of sale, as to township, range, section, parts of section, sub-division, addition, block and lot by the use of abbreviations, initial letters, figures, etc., declared to be legal in the manner of the sale of lands for taxes by Section 2215 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 1 of the Session Laws of 1915. A statement of the abbreviations, initial letters and numbers so used with the meaning thereof in such notice, shall precede the published list of lands upon which taxes are delinquent, as shall a statement that figures given under the heading "Total Amount" represent the amount of all taxes and special assessments delinquent for such year, together with interest, penalty and cost of advertising such description. Only such total

amount as so due upon each of the several descriptions shall be published. Provided, however, that the Delinquent Hail Indemnity Taxes shall be published separately under the title "DELINQUENT HAIL INDEMNITY TAXES," having appropriate headings and sub-headings, and when practical the description of tracts, lots or parcels and such notice shall be published in form and manner the same as otherwise provided herein, and shall appear immediately following the list of delinquent general tax sale notice as required by this section. Under the column "Total Amount" shall be entered the amount of delinquent Hail Indemnity Taxes for such year, against each such description together with interest, penalty and cost of advertising description. The fee for the publication of such general and hail indemnity tax notices shall be paid, only, upon the publisher filing with the county auditor an account, duly sworn to, showing the number of lines published and the rate per line charged therefor, which rate shall be that by law provided. The county auditor shall furnish to the official newspaper, as copy for such notices, only such matter as shall be required for the publication of such notices in the manner and form hereinbefore provided.

§ 2. That Section 2191 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2191. AUDITOR TO SELL AT PUBLIC VENDUE.] Said sale shall be made at public auction at the office of the county auditor or usual place of holding court in the same building, and shall commence at the hour of ten o'clock in the forenoon, but may be adjourned from day to day for a period of ten days, whenever it is necessary for the disposal of the lands advertised.

The land and lots shall be offered for sale by the county auditor or his deputy in the order in which they appear in the advertised list, and each tract or lot shall be offered separately and struck off to the bidder who will pay the total amount of taxes, special assessments or installment of special assessment, penalties and costs charged against it, including any personal taxes specified in the list and in the advertisement, which are a lien upon it, and who will agree to accept the lowest rate of interest from the date of sale on the amount of such taxes, penalties and costs so paid by him, which said rate shall in no case exceed nine per cent (9%) per annum.

But if the sum bid for the same is not paid before the sale closes, such tract or lot shall again be offered for sale in like manner.

The county auditor shall, immediately following the sale as hereinbefore provided for, offer for sale and sell the lands for the

delinquent unpaid Hail Indemnity Taxes, in the same manner as provided for the conduct of sale of lands for delinquent general and special assessment taxes, and to the bidder who will pay the total amount of hail indemnity taxes and penalties and costs charged against such land, including the unsold hail indemnity taxes, penalties and costs of prior years, if any, and who will agree to accept the lowest rate of interest from the date of sale on the amount of such hail indemnity taxes, penalties and costs so paid by him, which shall in no case exceed the rate of one per cent (1%) per month or major fraction thereof. And such last mentioned sale shall be known as the "Hail Indemnity Tax Sale" and in issuing the County Certificate of Sale for such Hail Indemnity Tax Sale the county auditor shall write or stamp in red ink across the face of such certificate of sale the words "HAIL INDEMNITY TAX CERTIFICATE."

It shall be unlawful for the bidders at such sale to enter into any understanding or agreement direct or indirect to stifle competition, by bidding in rotation or turn, or in refraining from bidding to give others opportunity to acquire particular tracts without competition, and upon discovering any such combination, understanding or agreement to exist, or upon development of any system of bidding in rotation or systematic refraining from bidding to avoid competition it shall be the duty of the auditor to refuse to accept bids made in furtherance of any such scheme, combination or understanding, and he may if he shall deem it probable that sales already made have been to bidders in any such combination, declare all such sales rescinded, and proceed to resell the same, or adjourn the sale from day to day for not to exceed ten days until a proper sale can be had.

The county treasurer shall attend the sale and receive all moneys paid thereon and when any tract or lot remains unsold for want of bidders, the same shall again be offered before the sale closes, and if there is no other bidder he shall bid for the same in the name of the county and the same be struck off and become forfeited to the county in which the sale takes place, such county acquiring all rights both legal and equitable that a person could acquire by reason of a purchase at such sale. Such tract or lot shall be assessed and taxed like other real estate until the period of redemption expires but shall not again be offered for sale for either such subsequent general taxes and special assessments or installments of special assessments, unless the county has made an assignment of the certificate of sale. Provided, however, that any delinquent Hail Indemnity Taxes, not paid as subsequent, shall be advertised and sold at each annual auditor's tax sale as provided in this act.

Whenever any real property shall be sold to the county, the county auditor shall make out a certificate of sale to the county in the same manner as if the sale had been made to any other person, which certificate shall be retained by the county treasurer; but no tax receipt shall be issued and no amount due the state or any taxing district or the state hail insurance fund shall be paid by the county until the county has received payment, either through redemption or sale of the property or assignment of the certificate. A certificate so issued to the county for general taxes and special assessments or installments of special assessments and penalties, interest and costs thereon shall bear interest at the rate of nine per cent (9%) per annum, and one so issued to the county for indemnity hail taxes and penalties, interest and costs thereon shall bear interest at the rate of one per cent (1%) per month for each month or major fraction thereof.

The county auditor, upon the order of the board of county commissioners shall defer the sale of any parcel of real estate for unpaid taxes until the delinquent taxes thereon, together with accrued penalty and interest, and including delinquent hail indemnity taxes, shall amount in the aggregate to the sum of five dollars or such lesser sum as the board shall determine upon. In any case where such tax sale shall be deferred upon the order of the board of county commissioners, the publication of delinquent tax list shall not include parcels not offered for sale.

Such real estate may be included in the notice of tax sale and sold at the tax sale of any subsequent year, and in such notice the combined aggregate amount of all delinquent taxes against each parcel may be set forth in a single lump sum and a single sale made for all delinquent taxes, penalties and interest against such parcel, provided, however, that in all cases separate sales for delinquent general taxes and special assessments or delinquent installments of special assessments, and for delinquent hail indemnity taxes shall be made. It shall not be necessary for the notice of sale to contain anything to indicate that such amount includes taxes for more than one year. The omission of sale upon order of the board of county commissioners, or by error or otherwise, shall not invalidate any subsequent tax sale. Property inadvertently omitted from any tax sale may be sold at the tax sale of any subsequent year in similar manner as though its sale had been purposely deferred, and this may be done even though the amount of taxes against it, when thus inadvertently omitted, is in excess of five dollars.

§ 3. That Section 2192 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2192. CERTIFICATE OF SALE; ASSIGNMENTS FILED; SUBSEQUENT PAYMENTS.] The purchasers of any tract of real property sold by the County Auditor for taxes shall be entitled to a certificate describing the land so purchased, stating the sum paid and the time when the purchaser will be entitled to a deed, which certificate shall be signed by the county auditor in his official capacity and shall be presumptive evidence of the regularity of all prior proceedings. The county auditor shall execute to the purchaser of any piece or parcel of land a certificate of sale covering each parcel of land sold to any purchaser, which certificate may be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES

I,, Auditor of the County of, in the State of North Dakota, do hereby certify that the following described real estate in said county and state, to-wit: (describing the same), was on the day of, A. D., 19.... sold by me in the manner provided by law for the delinquent taxes of the year thereon, amounting to dollars, including interest and penalty thereon, and the cost allowed by law to for the sum of dollars, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale on the amount of such taxes, penalties and costs so paid by him, and that said rate of interest which said purchaser agreed to accept was per cent per annum.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said, or assignee, will be entitled to a deed therefor on and after the day of A. D.,, on the surrender of this certificate.

In Witness Whereof, I have hereunto set my hand and seal this day of A. D. 19.....
SEAL.

Auditor.

Such certificate shall be assignable and the assignee shall acquire all the rights of the original purchaser of the real property described therein. He may present the assigned certificate to the county auditor for entry and such county auditor shall enter on the record of such sale the fact that the certificate has been assigned, entering the name and address of the assignee and the date when such assignment was presented for such entry. Such purchaser at tax sale or assignee of such certificate may pay taxes for subsequent

years at any time after they become delinquent and shall have the same lien for such subsequent taxes and may add them to the amount paid by him in the purchase; and the treasurer shall make out a tax receipt in duplicate for such taxes paid as subsequent, and shall write thereon "Paid as Subsequent Taxes," and the county auditor shall enter on the record of delinquent taxes or tax sale record the payment of such subsequent taxes, giving the name of the person by whom paid, the date when paid, the amount paid, and for what year such subsequent tax was levied.

At all tax sales made as provided herein, except in case of purchase by the county, the treasurer shall make out the tax receipt in duplicate for the taxes upon the real property mentioned in such certificate the same as in other cases and shall write thereon "Sold for Taxes."

Provided, that the form of certificate issued for the sale of lands for Hail Indemnity Taxes may be varied from the foregoing form by having written or stamped thereon in red ink the words "HAIL INDEMNITY CERTIFICATE," to distinguish such certificate from tax certificates issued upon sale of general and special assessment taxes and otherwise to meet with the requirements of this act. That the rights and privileges of the owner of a Hail Indemnity Tax Certificate to pay as subsequent delinquent hail indemnity taxes and have the same added to such certificate, and within the same time and manner, the procedure and the notice to be given for application for and securing of tax deed, shall be available, in so far as the same shall be applicable, as are recorded to the owner of a tax certificate upon land sold for general and special assessment taxes.

Provided further, that the holder of a Hail Indemnity Tax Certificate shall have the right to redeem the land covered by such hail indemnity tax certificate from the sale thereof for general and special assessments by paying the amount for which the land was originally sold at such general and special assessment tax sale, together with accrued interest and penalty thereon, and including all similar taxes which have been paid by such general and special assessment tax certificate owner as subsequent, together with interest accrued thereon, to the date of such redemption. Any holder of such certificate desiring to redeem must present it to the County Auditor and if he be an assignee must also present the assignment under which he holds the same. The redemption shall be effected in the same manner as a redemption by the land owner, excepting that upon obtaining the certificate for such general and special assessment tax sale from which redemption is made from the holder,

the Auditor shall deliver the sale to the redemptioner, together with a certificate which shall be known as a "REDEMPTION-ASSIGNMENT CERTIFICATE," but failure to receive such certificate shall not defeat any of the rights of the redemptioner. Such redemption-assignment certificate shall describe the premises originally sold at tax sale for such general and special assessment taxes, shall state the amount for which they were originally sold and set forth amount of taxes paid as subsequent to the original tax sale certificate which remain unredeemed, and also the amount paid in partial redemption from such tax sale, if any, and may be in substantially the following form:

REDEMPTION-ASSIGNMENT TAX SALE CERTIFICATE

..... County, North Dakota.

.....
Name of County Seat.

I,, County Auditor of
County in the State of North Dakota, do hereby certify that at the
annual tax sale of 19....., held December of that year,
the following described real estate situated in said county, to-wit:

.....
.....
was sold for the taxes of to of
..... for the aggregate sum of
(Post Office Address)

Dollars (\$.....) and there was issued to such purchaser
tax sale certificate No.; that thereafter the owner of said
tax certificate paid subsequent taxes upon said real estate as here-
inafter set forth; that as the holder
of a Hail Indemnity Tax Certificate on said real estate, or a part
thereof, has now paid the sum of \$..... in full redemption
from such sale of the taxes thereon for the year 19.....; that said
original tax sale Certificate No. has therefore been sur-
rendered by the owner thereof and that there is due him for subse-
quent taxes paid upon said real estate:

\$..... for taxes of the year 19....., with interest at 9%
per annum from, 19.....;
\$..... for taxes of the year 19....., with interest at 9%
per annum from, 19.....; and
\$..... for taxes of the year 19....., with interest at 9%
per annum from, 19.....; And this Redemption
Assignment is issued to the Hail Indemnity Tax Certificate owner

..... of and there is hereby assigned and transferred to him all the rights, interest, privileges and title which have or might accrue to the previous owner of such Tax Sale Certificate No., and he is hereby subrogated to all such rights, interest, privileges and title therein, including the right to a tax deed conveying to him the said real estate, unless redemption is made of the certificate so assigned as by law provided.

Given under my hand and the seal of the County Auditor of County, North Dakota, this day of, 19.....

.....
County Auditor of County.

Such redemption-assignment shall have the effect of transferring and assigning all the rights, interest, privileges and title, conveyed by the original tax sale certificate, issued pursuant to the regular annual auditor's tax sale thereof, or subsequent tax sale certificate issued in accordance with the provisions of this act. The redemption-assignment owner of such tax certificate shall be entitled to a tax deed three years from the date of sale if based upon the original certificate, or three years from the second Tuesday in December of the year when the first subsequent tax paid thereon became delinquent, upon the giving of the statutory notice of expiration of the period of redemption and the procedure prescribed in Section 2223 of the Supplement to the Compiled Laws of North Dakota for the year 1913 which shall be followed

§ 4. That Section 2197 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2197. REDEMPTION OF REAL ESTATE.]

(1) If at said sale any piece or parcel of land shall be sold to a purchaser of delinquent general taxes and special assessments and delinquent installments of special assessments, the same may be redeemed within three years from the date of sale by any person or corporation having an interest therein who shall pay into the treasury of the county for the credit of the person thereto entitled, the amount paid by the purchaser at the time of sale, with a penalty of three per cent and interest thereon at the rate specified in such certificate of sale, together with all amounts of similar subsequent taxes, penalties and interest paid by the holder of such certificate of sale up to the date of redemption with interest at the rate of

three-fourths of one per cent per month from the date of the payment of such subsequent taxes, which date of payment shall not be prior to the day upon which such subsequent tax became delinquent. And provided that redemption from Hail Indemnity Tax Sale may be made within two years from the date of such sale in like manner as herein set forth, with a penalty of five per cent and interest thereon at the rate as specified in such Hail Indemnity Tax Certificate of Sale together with all amounts of hail indemnity taxes, penalties and interest paid by the holder of such hail indemnity tax certificate up to the date of redemption with interest at the rate of two per cent per month, or major fractional part thereof, from the date of the payment of such subsequent hail indemnity taxes, which date shall not be prior to the day upon which such subsequent hail indemnity tax became delinquent, provided that the change in penalty upon redemption from tax sale and the change in rate of interest upon subsequent taxes made by this amendment shall not apply to certificates issued or subsequent taxes paid prior to the taking effect of this act in the case of Hail Indemnity Tax sales or otherwise.

In case any piece or parcel of land was struck off to the county at tax sale, then any person or corporation having an interest therein shall have the same right of redemption from the county, and on the same terms, as from a purchaser at a tax sale. The county auditor shall certify to the amount due upon redemption, and on payment of the same to the county treasurer, the county treasurer shall make duplicate receipts, for the certified amount, describing the property redeemed, one of which receipts shall be filed with the county auditor, which shall have the effect of annulling the sale. If the amount so paid for redemption be less than required by law it shall not invalidate such redemption, but the county auditor shall be liable for the deficiency to the person entitled thereto, and shall personally have a right of action against the person redeeming to recover from him the amount of such deficiency. Minors, insane persons or persons in captivity, or in any country with which the United States is at war, having an estate in, or liens on lands sold for taxes, may redeem the same within three years after such disability ceases; but in such cases the right to redeem shall be established in a suit for that purpose, brought against the party holding the title under sale. Any person who has or claims an interest in, or lien upon, any undivided estate in any piece or parcel of land sold, may redeem such undivided estate by paying into the county treasury a proportionate part of the amount required to redeem the whole and in such case the certificate of redemption shall express the estate or interest redeemed.

(2) **PARTIAL REDEMPTION OF REAL ESTATE.]** The owner of any piece or parcel of land that has been sold at any tax sale may pay the taxes for which the land was originally sold at tax sale together with accrued interest and penalty thereon at any time without making payment of any subsequent taxes and may also pay the subsequent taxes for the succeeding year or years. In making such partial redemption the owner shall be required to pay first the taxes for which the land was originally sold and in making payment of any subsequent taxes shall be required to pay such taxes in the order in which such taxes were levied. Upon payment of any such taxes with accrued interest and penalty into the county treasury, the county auditor shall recall the original tax sale certificate, either the general tax sale certificate or the hail indemnity tax sale certificate as the case may be, and in the case the holder of such original tax certificate has paid taxes as subsequent to such certificate the county auditor shall issue to him a new certificate which shall be known as a Subsequent Tax Sale Certificate or Subsequent Hail Indemnity Tax Sale Certificate as the case may be. Such subsequent tax sale certificate shall describe the premises originally sold at tax sale, shall state the amount for which they were originally sold and set forth the amount of taxes paid as subsequent to the original tax sale certificate which remain unredeemed, and also the amount paid in partial redemption from such tax sale, and may be substantially the following form:

SUBSEQUENT TAX SALE CERTIFICATE

..... County, North Dakota.

.....

Name of County Seat.

I, County Auditor of
County in the State of North Dakota, do hereby certify that at the
annual tax sale of held on December
of that year, the following described real estate situated in said
county, to-wit:

.....

.....
was sold for the.....

(taxes or hail indemnity taxes as the case may be)

of 19..... to

of for the aggregate sum of

(Post Office Address)

.....Dollars (\$.....) and there was

issued to such purchaser tax sale certificate No.; that there-
after the owner of such tax sale certificate paid similar subsequent

taxes upon said real estate as hereinafter set forth; that
 as the owner of said real estate or of a lien
 thereon has now paid the sum of \$..... in payment of the
 taxes thereon for the year; that said original tax sale
 certificate No. has been surrendered by the owner thereof
 and this Subsequent Tax Sale Certificate is issued to the said tax
 sale certificate owner of
 and it is hereby certified that there is due him for subsequent taxes
 paid upon said real estate: \$..... for taxes of the year
 19..... with interest at per cent per annum from
, 19.....: \$..... for taxes of the year
 19....., with interest at per cent per annum from,
 19.....; and \$..... for the year 19..... with interest at
 per cent per annum from, 19.....; and that
 unless redemption be made from said taxes within.....
 (two years in
 years from the
 case of Hail Indemnity, otherwise three years)
 Second Tuesday in December, 19....., he will be entitled, after due
 notice given, to a tax deed conveying to him the said real estate.

Given under my hand and the seal of the County Auditor of
 County, North Dakota, this day of
, 19.....

.....
 County Auditor of County.

Subsequent tax sale certificates shall have the effect of con-
 veying all the rights, interest, privileges and title conveyed by an
 original certificate of tax sale issued in pursuance to the regular
 annual auditor's tax sale. The owner of a subsequent tax sale certi-
 ficate issued for general taxes and special assessments, paid as subse-
 quent, shall be entitled to a tax deed three years from the Second
 Tuesday in December of the year when such subsequent tax first
 paid became delinquent; and the owner of a subsequent hail in-
 demnity tax sale certificate issued for hail indemnity taxes, paid as
 subsequent, shall be entitled to a tax deed two years from the second
 Tuesday in December of the year when such hail indemnity tax first
 paid became delinquent, upon giving the statutory notice of ex-
 piration of the period of redemption. The procedure prescribed in
 Section 2223, of the Supplement to the Compiled Laws of North
 Dakota for the year 1913, shall be followed, and in case redemption
 be not made, tax deed shall be issued in the same manner and with
 the same force and effect as though issued under an original tax
 sale certificate issued pursuant to a regularly conducted annual tax

sale. The provisions of this section shall apply to redemptions or partial redemptions hereafter made, regardless of whether the tax sale certificates were issued and subsequent taxes paid as subsequent before or after the taking effect of this act. A partial redemption of real estate general and special assessment taxes or hail indemnity taxes covered by a subsequent tax sale certificate may be made in the same manner as partial redemption is made from a tax sale certificate, but a partial redemption shall in no case be allowed more than twice as to the same tax sale, once from the tax sale certificate and once from the subsequent tax sale certificate and shall likewise be applicable to redemption from hail indemnity taxes. In case of a partial redemption from a subsequent tax sale certificate, the form of certificate issued may be varied from the foregoing form by appropriate reference to the prior partial redemption. All Hail Indemnity Tax Sale Certificates and Subsequent Tax Sale Certificates shall have written or stamped across the face thereof in red ink the words "HAIL INDEMNITY TAX SALE CERTIFICATE."

§ 5. That Section 2197a of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby repealed

Vetoed March 7, 1927.

(H. B. No. 91—Sperry, by Request)

APPEALS FROM WORKMEN'S COMPENSATION BUREAU

An Act to Amend and Re-enact Section 17 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, as Amended by the Session Laws of North Dakota for the Years 1921 and 1923.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 91 which I have vetoed.

This bill provides that in all cases heard by the Workmen's Compensation Bureau where claimants are dissatisfied with the decision of the Bureau, appeals may be taken to the District Court.

The existing law could no doubt be improved in some respects, but this bill is obviously not an improvement. One of the main purposes of the Workmen's Compensation Insurance is to insure adequate protection to injured workmen without the necessity of resorting to legal action. A strong contributing factor was the desire to spare the workman heavy expenses in retaining a lawyer to fight

his case. Had this bill proposed a reasonable limit on the fees of lawyers prosecuting such appeals it would have been a much better bill.

On the other hand, had this provision been included in the bill there would have been much less agitation for its passage. Lawyers who lobbied for it during the session were quite frank in their statements that it would mean money to them. There is no contention that the bill was being demanded by the workingmen of the state. The Workmen's Compensation Insurance laws were designed to protect the workingman, not to build up a business for attorneys. Were this a workingman's bill and not a bill sponsored by a few ambulance-chasing lawyers I would have signed it.

In most cases the right to appeal from decision of the Bureau would mean that certain lawyers would get part of the benefit award which now goes entirely to the injured workingman. It certainly would not be in any way beneficial to the injured employee to have such a situation exist.

Another point to be considered is that this bill would necessitate the addition of several more district judges and would result in added expense for the Workmen's Compensation Bureau. The result would be an increase in insurance rates with no real benefit to either the employer or employee.

Very truly yours,

A. G. SORLIE,

Governor.

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

§ 1. That Section 17 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law, as amended by the Session Laws of North Dakota for the years 1921 and 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 17. The Bureau shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final unless an appeal be perfected therefrom within sixty (60) days of the date of entry of the Bureau's final decision, of which decision notice shall be given to all parties to the proceeding in which said final decision was rendered. Said appeal may be taken by any party to said proceeding, including the injured employee or party claiming to be an injured employee, the dependents or legal representatives of a deceased employee, the employer or alleged employer of said employee, to the District Court for any county of the Judicial District wherein the injury,

accident or sickness was inflicted or incurred. The appealing party shall file an undertaking in the amount of Two Hundred Dollars (\$200.00) with sufficient security to be approved by the Clerk of the District Court of the County in which said appeal is taken to the effect that he will pay any judgment for costs which may be rendered against him. In such proceedings the state's attorney of the county in which said appeal is pending without additional compensation shall represent the Workmen's Compensation Bureau and shall be notified by the Clerk forthwith of the filing of such appeal.

Within thirty (30) days after filing the appeal, the appealing party shall prepare and serve a complaint setting forth therein his or its cause of action in the ordinary form, and further pleadings shall be had in said cause according to the rules of civil procedure in the District Court. Within twenty (20) days after the service of a copy of said notice of appeal upon the Workmen's Compensation Bureau the Bureau shall certify the complete record in such proceeding to the District Court. Upon the trial of said cause upon appeal by the Court, either party may offer such additional proof and evidence as is material to the issues, and the Court shall be in no way bound by the findings or determination made by the Workmen's Compensation Bureau, but shall exercise his own independent judgment, both as to the facts and the law. In the event that judgment of the Court rendered in said proceedings awards compensation to the employee, he shall make specific findings as to whether the said employee has received injuries causing total disability, or temporary disability, or permanent partial disability; and in the event the Court finds the injury caused permanent disability he shall determine the percentage which such disability bears to the total disability, taking into consideration the employee's age and occupation, and the aforesaid findings shall be incorporated in the judgment of the Court rendered in said proceeding and shall be binding upon the Bureau in fixing the amount of the award to said injured employee. The award so arrived at shall be paid by the Workmen's Compensation Bureau out of the Workmen's Compensation Fund or by the employer in the case of an elective claim in accordance with the provisions of this Act.

The cost of such proceedings, including a reasonable attorney's fee to the claimant's attorney, if the claimant be successful, shall be fixed by the Trial Judge and taxed against the Workmen's Compensation Fund or the employer in the case of an elective claim as the case may be.

Each party to the said proceedings shall have the right of appeal to the Supreme Court, said appeal to be governed by existing statutes as in the case of appeals in civil cases, and a trial de novo shall be had in the Supreme Court.

It is the intent of this Act that appeals as aforesaid may be had by any party from any and all final decisions of the Workmen's Compensation Bureau.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

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

Vetoed March 8, 1927.

(H. B. No. 356—McGauvran)

TRAVEL EXPENSES STATE DEPARTMENTS

An Act to Amend and Re-enact Section 2 of Chapter 213, of the Session Laws of North Dakota for 1925 Regulating the Expenditure of Money for Traveling Expenses of Members, Officers, and Employees of State Departments.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 356 which provides certain amendments to the present law relating to members, officers and employees of State Departments who travel outside the state.

The present law seems to cover this matter quite fully, but it seems it has not worked out to the satisfaction of some departments and for that reason the heads of such departments decided there must be a new law to fit their particular cases.

I am of the opinion that the law we now have is sufficient and satisfactory, and have therefore vetoed this bill, and file the same herewith.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 2 of Chapter 213 of the Session Laws of North Dakota for 1925, be amended and re-enacted as follows:

§ 2. No expenditure for traveling expenses to other States shall be allowed to any member, officer or employee of any Department of the State, except Judicial and Legislative Departments and

elective officers and their assistants or employees, unless authority therefor shall first be granted in writing by the Governor; provided, that traveling expenses to other States shall not be allowed to more than one member, officer, or employee of any Department of the State except the members of the Board of Railroad Commissioners for attending a meeting of any National Association to which such member, officer or department shall belong.

Vetoed March 8, 1927.

PARTIAL VETOES ARE CARRIED BY S. B. 19—BUDGET—
AND H. B. 40—APPROPRIATION AGRICUL-
TURAL COLLEGE

These are grouped under their respective title with Appropriation measures in from part of volume.

VETOES RETURNED BY GOVERNOR TO LEGISLATIVE
ASSEMBLY PRIOR TO ADJOURNMENT
ON MARCH 4TH, 1927

- S. B. 29—Fees Payable by Auto Transportation Companies.
- S. B. 30—Transfer Balance in Auto Transportation Fund to General Fund.
- S. B. 76—Authorizing stock or mutual Insurance Companies to engage in Workmen Compensation Insurance.
- H. B. 69—Insurance on Municipally owned property.
- H. B. 83—Flat Hail Insurance Tax.
- H. B. 218—Annual Statement of Insurance Companies.

INITIATED MEASURE

GASOLINE TAX

An Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels and for the Disposition of the Revenue Derived Therefrom; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Be It Enacted by The People of The State of North Dakota:

§ 1. That the words, terms and phrases in this act, are for all the purposes hereof, defined as follows:

(a) "Motor vehicles" means and including all vehicles, engines or machines, movable or immovable, which are operated or propelled in whole or in part by internal combustion of any one or more of the "motor vehicle fuels" defined herein.