

VETOES

H. B. No. 37—(Committee on Appropriations)

APPROPRIATION—BOARD OF AUDITORS

An Act making an appropriation to the Board of Auditors for the purpose of carrying out the provisions of Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the Initiated Law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369b of the Supplement to the 1913 Compiled Laws of North Dakota, and as amended and re-enacted by Chapter 186, Laws of 1933.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 37 which has not been signed by me is attached.

This bill has been vetoed for the reason that the service is largely a duplication and repeats same work done by auditors in the Department of the State Bank Examiner. Furthermore, the special audits under this law have been more of a political axe than an effective check and in this time of need is a waste of money.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$30,000.00, or so much thereof as may be necessary to the State Board of Auditors for the purpose of examining and auditing the accounts, books and vouchers of the State Treasury, departments and commissions and of all industrial institutions of this State, and for the purpose of ascertaining the assets and liabilities of the same as provided for in Section 369 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1913, and as amended, and re-enacted by the Initiated Law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, the same being Sections 369 and 369b of the Supplement to the 1913 Compiled Laws of North Dakota, and as amended and re-enacted by Chapter 186, Laws of 1933, for the biennium beginning July 1st, 1935, and ending June 30th, 1937.

H. B. No. 41—(Committee on Appropriations)

BOVINE TUBERCULOSIS

An Act making an appropriation for the purpose of indemnifying owners of animals infected with bovine tuberculosis and to pay expenses in connection therewith.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 41 which has not been signed by me is attached.

This bill has been vetoed for the reason that this appropriation does not appear to be a necessity at this time as so many cattle have been shipped out of the country, and if an occasion should arise when such funds will be necessary, some arrangement can be worked out for them at such time.

Very respectfully,

WALTER WELFORD,

Acting Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$25,000.00, or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with bovine tuberculosis, which animals have been destroyed and to pay expenses in connection therewith, as provided in Section 2699 to 2710, inclusive, of the Compiled Laws of North Dakota for the year 1913, and amendments thereto, for the biennium beginning July 1st, 1935, and ending June 30th, 1937.

H. B. No. 93—(Seibel and Caddell)

CHATTEL MORTGAGE FORM

An Act to amend and re-enact Section 6756 of the 1913 Compiled Laws of the State of North Dakota, relating to the form of Chattel Mortgages.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 93 which has not been signed by me is attached.

This bill has been vetoed for the reason that it is impossible to

conform to the regulations in the bill calling for specific description of property to be mortgaged. This would be particularly applicable to sheep or cattle where it would be necessary to make a complete and effective description individually of each cow, horse, sheep, hog, etc., going into detail even to the point of describing the last white mark or bald spot.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. AMENDMENT.] That Section 6756 of the 1913 Compiled Laws of the State of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 6756. FORM.] A Mortgage of personal property shall be made in substantially the following form:

This mortgage made the.....day of.....in the year
.....by A. B. of.....by occupation.....
mortgagor.....to C. D. of.....mortgagee
witnesseth:

That the mortgagor mortgages to the mortgagee (here describe the property) as security to him for the payment of \$.....
on (or before) the.....day of..... in the
year.....with interest thereon (or as security for payment of
a note or obligation describing it, etc.)

A. B.

The mortgage shall contain a complete description of the personal property offered as security for the debt therein described and said mortgage shall be void as to all property not fully and definitely described therein, and it shall be unlawful to attempt to describe in said mortgage, any property by the following designation, or similar designation, to wit:

"It being the intention hereby to cover all my personal property of like kind;" or "Together with or additions thereto" or "Together with all increase of said stock" or "Being all of my said personal property." Said mortgage shall be void and of no effect as to the property not fully and sufficiently described, and it shall have no force and effect as to any other property attempted to be covered thereby.

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

S. B. No. 120—(Peterson)

ABOLISHING CROP MORTGAGES

An Act to amend and re-enact Section 2 of that certain initiated law entitled, "An act declaring mortgages on growing and unharvested crops to be against the public policy of this state, and abolishing the same," approved and adopted by the electors at the June 29th, 1932, Primary Election, repealing Chapter 150, Session Laws of 1933 and declaring an emergency.

V E T O

March 21, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

Senate Bill No. 120 which has been vetoed by me is herewith attached.

This bill has been vetoed for the reason that the enactment of such legislation would prohibit any loan by agencies of the Federal Government. Furthermore, it is believed that Chapter 150 of the 1933 Session Laws is sufficient without further enactment of legislation along this line.

Respectfully,
WALTER WELFORD,
Acting Governor.

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

§ 1. AMENDMENT.] That Section 2 of said initiated law be amended and re-enacted to read as follows:

§ 2. REPEAL.] Whereas there is question as to the validity of Chapter 150, Session Laws of 1933, this act covers the same subject matter, therefore said Chapter 150 is hereby repealed.

§ 2. That all mortgages on growing and unharvested crops are abolished, and that any and all mortgages on growing and unharvested crops hereafter taken shall be held null and void and of no effect; provided, however, that the provisions of this act shall not apply to any mortgage in favor of the United States or of any department thereof, nor to any liens permitted under the provisions of Chapter, Session Laws of 1935, which is H. B. No. 287 of the 24th Legislative Assembly.

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

H. B. No. 5—(Erickson of McKenzie)

GRAIN STORAGE ON FARMS, ABOLISHING GRAIN STORAGE
COMMISSIONER, ETC.

An Act relating to grain storage on farms, abolishing the office of Grain Storage Commissioner of North Dakota, and transferring all powers and duties of that office to the Board of Railroad Commissioners of the State of North Dakota, and amending and re-enacting Section 2 of Chapter 138 of the 1929 Session Laws and repealing Sections 3 and 4 of Chapter 138 of the 1929 Session Laws and all acts or parts of acts in conflict herewith, and declaring an emergency.

V E T O

March 15, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 5 which has not been signed by me is attached.

This bill has been vetoed for the reason that pending further developments as to the crop situation and the possibility of establishing an independent office in co-operation with the governmental activities administering the provisions of the Agricultural Adjustment Act, it is believed desirable to retain this office.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 138 of the 1929 Session Laws be amended and re-enacted to read as follows, to-wit:

§ 2. BOARD OF RAILROAD COMMISSIONERS TO ACT AS GRAIN STORAGE COMMISSIONER.] The office of Grain Storage Commissioner of North Dakota as created by Chapter 138 of the 1929 Session Laws is hereby abolished, and the duties of said officer are hereby placed in the Board of Railroad Commissioners of the State of North Dakota, and whenever in said Chapter 138 of the 1929 Session Laws the name "Commissioner" is used, the same shall thereafter refer to the Board of Railroad Commissioners of the State of North Dakota, and it is hereby made the duty of the Grain Storage Commissioner of North Dakota to deliver and transfer to said Board of Railroad Commissioners all papers, documents and files and all office equipment belonging to his said office.

§ 2. REPEAL.] That Sections 3 and 4 of Chapter 138 of the 1929 Session Laws, and all acts or 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 force and effect from and after its passage and approval.

H. B. No. 311—(Schauss, by Request)

PENALTIES VIOLATIONS PRACTICE OF MEDICINE AND
SURGERY

An Act to amend and re-enact Section 470 of the Compiled Laws of the State of North Dakota for 1913 being Section 13 of Chapter 189, Session Laws of 1911 relating to penalties for violation of the laws concerning the practice of medicine and surgery.

V E T O

March 15, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 311 which has not been signed by me is returned.

This bill has been vetoed for the reason that it would appear that the penalty provided therein is unnecessarily severe.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. Section 470 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 470. PENALTIES FOR VIOLATIONS AND FOR FRAUDULENT IMPERSONATION AND FRAUDULENT DEVICES.] Any person who shall practice medicine in this state without complying with the provisions of this article, and any person who shall violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the Court. Any person who shall present or attempt to file as his own, a diploma or certificate of credentials of another, who shall give false evidence or present any altered or forged instrument or writing of any kind to the State Board of Medical Examiners or any member thereof, in connection with an application for license to practice medicine, or in any hearing before said Board, or who shall practice medicine under a false or assumed name or who shall falsely personate another practitioner of a like or different name, or shall be convicted for the second time of violating any of the provisions of this article, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term of not less than one year nor more than three years at hard labor.

H. B. No. 295—(Downey, Clarke, Cunningham and Smith)

**PROHIBITING MORTGAGES SECURING PURCHASE OR
CONTRACT PRICE**

An Act prohibiting real estate and chattel mortgages given to secure the purchase or contract price of personal or real property from including or creating a lien on any real or personal property other than the property purchased for which said mortgage is given to secure; invalidating real and chattel mortgages given in violation of this act, and repealing all acts or parts of acts in conflict herewith.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 295 which has not been signed by me is attached.

This bill has been vetoed for the reason that it is too broad in its scope, and for the further reason that under the provisions of this act a person who would purchase material and labor for a building, could not execute a mortgage upon the lot upon which the building was to be placed. This would make impossible the negotiation of any construction loan for any purpose.

This act, if made effective, would prevent and prohibit negotiation for purchase of any materials of any kind whose value would be rapidly depreciating and, therefore, would require additional security for the protection of the original purchase price.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. No chattel or real estate mortgage given to secure the purchase or contract price of any real or personal property shall contain, include, create, or attempt to create a lien on any other real or personal property than that purchased for which said chattel or real estate mortgage is given to secure the purchase or contract price.

§ 2. All chattel or real estate mortgages hereafter made, executed, and delivered to secure the purchase or contract price of personal property which create or purport to create a lien against any real or personal property other than the property for which said chattel or real estate mortgage is given to secure the payment of purchase or contract price, are hereby declared to be against public policy and outlawed, and are hereby declared to be absolutely void.

§ 3. PENALTY.] Any person or persons who violate any provision of this act shall be guilty of a misdemeanor and upon conviction

tion be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days or by both such fine and imprisonment at the discretion of the Court.

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

H. B. No. 253—(Bjerke and Bilden)

DISPOSITION FEES AND PAYMENT OF EXPENSES
REGULATORY DEPARTMENT

An Act to amend and re-enact Section 6 of Chapter 199 Session Laws of 1933 relating to the disposition of fees and payment of expenses of the North Dakota Regulatory Department.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 253 which has not been signed by me is attached.

This bill has been vetoed for the reason that the Regulatory Department now needs the revenue for maintenance. Furthermore, the accounting, auditing, and mailing of a 70% would require expenditure and waste of most of 30% in overhead disbursement.

Very respectfully,

WALTER WELFORD,

Acting Governor.

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

§ 1. AMENDMENT.] Section 6 of Chapter 199 Session Laws of 1933 is hereby amended and re-enacted to read as follows:

§ 6. FEES. DISPOSITION OF. EXPENSES. HOW PAID.] All revenues derived and fees and charges charged and collected under authority of this act by the Director, Assistant Director, and Inspectors of the Regulatory Department shall be properly accounted for daily by the said Assistant Director and Inspectors to the Director of the Regulatory Department and by him recorded and monthly forwarded to the Treasurer of the State of North Dakota. The State Treasurer shall upon receipt thereof enter such funds and carry them in a special revolving fund to be designated as the "State Regulatory Fund" out of which all salaries, bills and expenses of whatever nature incurred in the performance of this act shall by said Treasurer be paid.

Vouchers for all salaries and expenses of whatever nature incurred by the Director, Assistant Director and Inspectors of the

Regulatory Department in carrying out and enforcing the provisions of this act, when approved by the said Director, shall be forwarded monthly to the State Auditing Board for audit and approval, and when audited and approved by said Board shall be certified to the State Auditor who shall draw warrants upon the State Treasurer for said salaries and expenses, specifying that said warrants are to be paid from the State Regulatory Fund. The State Treasurer shall thereupon pay said expenses out of the State Regulatory Fund.

Annually, after the salaries and expenses of said Director and Inspectors and other necessary expenses of said Regulatory Department have been paid by the State Treasurer, the said State Treasurer shall transfer to the General Fund of the state fifty per cent of the balance that then remains in said revolving fund and deposited in said fund by said North Dakota Regulatory Department.

Provided, however, that in case the said Director, Assistant Director or Inspectors, collect any money for the State Tax Commissioner, State Auditor, Dairy Commissioner, Commissioner of Agriculture and Labor, or any other officer or board under the provisions of this act, and which moneys or taxes so collected are under the laws of this state directed to be placed by the office or officers or board for whom the said collections were so made by the Regulatory Department in the general or other fund of the State, then the moneys and taxes so collected by said Regulatory Department shall not be placed in said State Regulatory Fund as hereinbefore provided, but shall be accounted for to the officers or board for whom the said collections were made and their receipt taken therefor.

Provided, further, that seventy per cent of the amount of license fees collected pursuant to Article 20A of Chapter 5 of the Political Code of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, shall be paid to the Treasurer of each and all incorporated cities and villages as provided for in said Article.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

H. B. No. 204—(Schantz)

PROHIBITING SMOKING IN SPECIFIED PLACES

An Act to repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota relating to prohibiting smoking in specified places, and the penalties.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 204 which has not been signed by me is attached.

This bill has been vetoed for the reason that it would appear that the present act should be left in force.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. REPEAL.] That Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota be and the same is hereby repealed.

S. B. No. 227—(Bonzer, Fowler and Coffey)

SERVICE OF SUMMONS BY PUBLICATION

An Act to amend and re-enact Section 7429, Compiled Laws of North Dakota for the year 1913, relating to service of summons by publication.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

Senate Bill No. 227 which has not been signed by me is attached.

This bill has been vetoed for the reason that the statute in effect appears satisfactory and there seems to be no occasion for requiring less notice than is now provided for.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. AMENDMENT.] That Section 7429, Compiled Laws of

North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 7429. NUMBER OF PUBLICATIONS.] Service of the summons by publication may be made by publishing the same four times, once each week for four successive weeks, in a newspaper published in the county in which the action is pending, if a newspaper is published in such county and if no newspaper is published in such county, then in a newspaper published at the seat of government of this state.

H. B. No. 95—(Niewoehner)

LEGALIZING, ETC., TAX SALE NOTICES AND CERTIFICATES

An Act legalizing and validating all publications and posting of tax sale notices and tax sale certificates based thereon which notices have been posted or published prior to January 1st, 1935.

V E T O

March 14, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 95 which has not been signed by me is attached.

This bill has been vetoed for the reason that this act will not cure any failure to comply with a statutory provision which was a prerequisite to the validity of the act itself.

Very respectfully,

WALTER WELFORD,
Acting Governor.

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

§ 1. All publications of every nature of delinquent tax sales, or sale of land by the county for delinquent taxes, required by law to be made in an official or legal newspaper, or any posting of notice of delinquent tax sale, or sale of land by the county for delinquent taxes, as provided by law and made prior to the 1st day of January, 1935, within the State of North Dakota, are hereby declared legal and valid and of the same force and effect as though made in full compliance with the then existing statutes and any tax sale certificate held by the county and not issued prior to the date of this act may be issued any time subsequent to the approval of this act.

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

H. B. No. 27—(Committee on Appropriations)

WOLF, COYOTE AND MAGPIE BOUNTY

An Act making an appropriation for the purpose of paying a bounty on wolves and coyotes as provided for under Sections 2645 to 2656, inclusive, of the Supplement to the Compiled Laws of 1913 as amended by Chapter 283, Session Laws of 1927 and as amended by Chapter 9, Session Laws of 1933, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and declaring an emergency.

V E T O

March 15, 1935.

TO THE HONORABLE THE SECRETARY OF STATE:

House Bill No. 27 which has not been signed by me is returned.

This bill has been vetoed for the reason that lack of funds at the present time does not permit of such an appropriation. Furthermore, if conditions later on warrant such an expenditure, arrangements can be made at that time for funds to cover such cases.

Very respectfully,

WALTER WELFORD,

Acting Governor.

Acting Governor.

WW/gp

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$40,000.00 or so much thereof as may be necessary for the purpose of paying the bounty on wolves and coyotes as prescribed under Sections 2645 to 2656, inclusive, of the Supplement to the Compiled Laws of 1913, as amended by Chapter 283, Session Laws of 1927, and as amended by Chapter 9, Session Laws of 1933, and magpie bounty as provided for by Sections 2656b1 to 2656b9, inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota.

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