

and will mean a reduction of one hundred and fifty thousand dollars per month of Federal money which would otherwise flow into North Dakota for relief workers, and

WHEREAS, if the President's request for appropriation is denied, and the act of Congress curtailing WPA activities is passed the people of North Dakota who are in desperate need of Federal assistance in maintaining their homes will suffer untold hardship,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring, That we memorialize Congress to make the full appropriation asked for by President Roosevelt for WPA purposes, and that Congress do not enact into law any act curtailing WPA activities.

BE IT FURTHER RESOLVED That the chief clerk of the House of Representatives be instructed to forward copies of this resolution to President Roosevelt, to our Senators and Representatives in Congress, to the Secretary of Agriculture, and to Col. F. C. Harrington, WPA Administrator, Washington, D. C.

Filed February 3, 1939.

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## VETOES

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S. B. No. 205.—(Whelan and Lian)

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### PUBLICATION OF COUNTY WELFARE BOARD PROCEEDINGS

An act requiring the publication of the proceedings of meetings of County Welfare Boards, repealing all acts and parts of acts in conflict herewith, and declaring an emergency.

V E T O

March 18, 1939

Hon. James D. Gronna  
Secretary of State  
Bismarck, North Dakota

DEAR MR. SECRETARY:

I am transmitting to you herewith Senate Bill 205, entitled, "An act requiring the publication of the proceedings of meetings of county welfare boards, repealing all acts and parts of acts in conflict herewith, and declaring an emergency."

This bill provides for the publication of the proceedings of the county welfare boards, including the names of the beneficiaries of such disbursements, publications to be paid for by the welfare boards. I have made as careful an investigation of the probable expense of

such publications as it has been possible to do in the limited time at my disposal. From such investigation I am convinced that the cost of such publications will be a considerable drain upon the appropriations for the welfare boards, and as no specific appropriation has been set up for such publications, the whole expense will have to come out of the money appropriated by the legislature for relief of our destitute and distressed people, and that the amount available for their needs will thereby be considerably reduced.

While I recognize that the legislature, in passing this bill, had in mind that publication of the proceedings would serve as a deterrent upon chisellers, and that some good would be accomplished, it is also to be borne in mind that the complete publication of all proceedings would of necessity involve the parading of the misfortunes of unmarried mothers and unfortunates in similar positions, a matter to be avoided from a humanitarian standpoint.

For these reasons, I am withholding my approval of this bill.

Very truly yours,

JOHN MOSES

Governor

JM:B

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

§ 1. It shall be the duty of the County Welfare Board to cause to be published in some legal newspaper in the county designated by the county commissioners, a full and complete report of all its official proceedings at each meeting, including a statement of all receipts and disbursements, the person or persons to whom such disbursements are made and the beneficiaries of such disbursements. Such proceedings shall be published as soon after each meeting as practicable. The board shall pay for such publication at the rate and in the manner now prescribed by law for the payment of publication of legal notices and publications.

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

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

H. B. No. 359.—(Morland, Byrne, Peterson, Bingenheimer, and Fitch)

APPLICATIONS FOR STATE HAIL INSURANCE

An act to amend and re-enact Section 189b3, 189b5, 189b9, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, relating to State hail insurance, providing for the manner of taking applications therefor; defining duty of hail inspectors, adjusters and county auditors; repealing acts in conflict herewith, and declaring an emergency.

V E T O

Minot, North Dakota  
March 18, 1939

Hon. James D. Gronna  
Secretary of State  
Bismarck, North Dakota

MY DEAR SECRETARY:

I hereby transmit House Bill No. 359 entitled "An act to amend and re-enact Section 189b5, 189b14 and 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933, relating to State hail insurance, providing for the manner of taking applications therefor; defining duty of hail inspectors, adjusters and county auditors; repealing acts in conflict herewith, and declaring an emergency", without my approval.

I believe that the interest and welfare of our people will be amply safeguarded and taken care through the laws now in force, providing for the writing of State hail insurance through the various assessors and can see no good reason for making a change in the system.

For these reasons, I withhold my approval of this bill.

Respectfully yours,

JOHN MOSES

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Governor of the State of North Dakota.

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

§ 1. AMENDMENT.] Section 189b3 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, as amended by Chapter 137, Session Laws of North Dakota for 1933, is hereby amended and re-enacted to read as follows:

§ 189b3. EMPLOYEES, SALARY, AND OPERATING EXPENSE.] The Commissioner of Insurance with the approval of the Governor, shall appoint a manager who shall be in direct charge of the department, and whose salary shall be set by the Commissioner of Insurance. With the approval of the Commissioner of Insurance, the manager shall employ all the assistants necessary to operate the

department, and may employ such legal counsel as he shall deem necessary.

The salaries of all employees, together with all other expenditures for the operation and maintenance of the department, shall remain within the appropriation and surplus available in each year for such purposes, and shall not exceed the sum of one hundred fifty thousand dollars (\$150,000.00) per annum, except as provided by Section 16 and 17 of this act. The Commissioner of Insurance shall pay all salaries and expenses of the department by vouchers issued under his authority and approved by the State Auditing Board, except payment for writing applications, as provided for in Section 9 of this act.

§ 2. AMENDMENT.] Section 189b5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 as amended by Section 1 of Chapter 170, Session Laws of the State of North Dakota for 1931, and Chapter 137, Session Laws of North Dakota for 1933, be and the same is hereby amended and re-enacted to read as follows:

§ 189b5. CROPS INSURED.] The crops insured under this act shall consist of crops grown on cultivated lands, listed as actually cropped and subject to the payment of taxes specified in this act. The following crops may be insured: rye, wheat, speltz, barley, oats, flax, corn, buckwheat, millet, sweet clover, alfalfa, and cane. The insurance herein provided for shall, in no event, become effective on winter rye and winter wheat before 12 o'clock noon, C.S.T., on June the 1st, and shall not become effective on any other crops before 12 o'clock noon, C.S.T., of June the 10th of any year, subject to the provisions of Section 9, 11 and 25 of the Hail Law. Provided, that no indemnity shall be allowed for loss to winter rye and winter wheat which occurs later than 12 o'clock noon, C.S.T., of August 25th of each year, and flax and corn should be considered insured up to 12 o'clock noon, C.S.T., September 15th of each year, on all other crops the protection shall cease at 12 o'clock, C.S.T., of September 10th of each year. The insurance provided for in this act shall become effective six hours after same is taken by the inspector, adjuster, or the county auditor.

§ 3. Section 189b9 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be and is hereby amended and re-enacted to read as follows:

§ 189b9. WRITING THE PROTECTION.] It shall be the duty of the manager, with the approval of the Insurance Commissioner, to appoint such adjusters and inspectors as he deems necessary to solicit and take applications for State hail insurance. Such inspectors and adjusters shall be bonded for faithful performance of their duties with the State Bonding Fund in the sum of five hundred dollars (\$500.00) each.

It shall be the duty of such inspectors and adjusters to solicit and take applications for State hail insurance in such manner and form as may be prescribed by the Insurance Commissioner. They shall be entitled to compensation for their services at the rate of one cent per acre, on approved applications listed and reported by them in accordance with the provisions of this act. Such compensation shall be paid out of the Hail Insurance Fund Operating Account, and the Commissioner of Insurance shall certify to the State Auditor the respective amounts due them, and thereupon the State Auditor shall draw warrants to the State Treasurer for payment of same out of the State Hail Insurance Fund Operating Account.

Applications may be taken by the inspectors, adjusters or by the county auditor at any time before crops are damaged in excess of nine percent by hail, and not later than the 15th day of July of the year for which said insurance is desired. Provided further, that the county auditors may take applications for State hail insurance in their respective counties in the same manner as adjusters and inspectors, and shall be entitled to the same compensation therefor.

All applications shall be made in triplicate and shall carefully describe each piece of land to be insured, describing particularly the quarter section or sub-division thereof, the number of the section, the township and range, with acreage, descriptions and locations of the different kinds of crop to be insured. Each application shall also show the interest of the applicant in such crop and shall be invalid and not subject to approval unless the applicant has stated whether or not the crop has been hailed upon, and the amount of damage. Provided, however, that the applicant, if same be a tenant, may make application as owner's agent, if he has written authority and files such written authority with his application. The information contained in such application shall be furnished by the applicant and shall be binding upon him. Provided, however, that such applicant may amend such application as to kind of crop and location thereof at any time before July 6th by notifying the Hail Insurance Department thereof by registered mail.

At the time of taking the application, the party taking the same shall endorse on each copy thereof, the date and hour of same, and shall forward by mail, within twenty-four hours, the triplicate copy to the county auditor of his county, and the original and duplicate copies to the Hail Insurance Department at Bismarck; all such applications shall be subject to the approval of the Commissioner of Insurance. Immediately upon receipt and checking of the original and duplicate copies in the office of the Hail Insurance Department, the Commissioner of Insurance shall note his approval, or disapproval, on the original and copy and return the duplicate copy to the applicant, which copy thus endorsed, shall constitute the policy of insurance under the provisions of this act, and shall entitle the applicant to the protection thereof. The application shall be the basis

of computing the hail indemnity tax which shall be charged against the land upon which said crops are grown, except as further provided in this act. If, at the time of taking the application, it appears therefrom that hail has fallen upon the crop, it shall be the duty of the adjuster or inspector to appraise the damage thereon, and if in his judgment, the same shall amount to more than nine per cent, such crops shall not be eligible for coverage, but in the event the damage does not exceed nine per cent, the inspector or adjuster shall note the amount thereof upon the application, and same shall be taken into consideration and deducted from any future losses.

§ 4. Section 189b14 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, as amended by Chapter 137, Session Laws of North Dakota for 1933, is hereby amended and re-enacted to read as follows:

§ 189b14. PENALTY.] Any person making a false or fraudulent affidavit, and any person who shall place or contribute to the placing of a false effective date upon an application for State hail insurance, with the intent to defraud, shall, upon conviction thereof, be deemed guilty of a felony, and be punished by imprisonment in the penitentiary not less than one year, or by a fine of not less than three hundred dollars, or by both such fine and imprisonment.

§ 5. Section 189b15 of Chapter 137 of the Session Laws of North Dakota for 1933 is hereby amended and re-enacted to read as follows:

§ 189b15. AMOUNT OF INDEMNITY.] The maximum amount of indemnity for total loss shall be either \$5.00 or \$8.00 per acre, as the application for insurance may specify. Provided, however, that if the original application calls for \$5.00 per acre insurance, the insured may before loss and before July 15th make application to the Hail Insurance Department for an additional \$3.00 per acre protection. Such application shall be made out in duplicate upon forms prepared and furnished by the Commissioner of Insurance and mailed directly to the Department at Bismarck, and if approved by the Commissioner of Insurance, the duplicate of such application shall be returned to the maker and considered his policy of insurance. Such application shall contain the legal description of the land, the kind of crops and the acreage of same on which additional insurance is desired. The location of such crops shall also be given upon a diagram on the application blank, and such application shall contain a statement to the effect that such crops have not been damaged or destroyed by hail. Provided further, that such application shall be signed by the applicant and shall be acknowledged by the inspector, adjuster or county auditor, and such application may be taken in the office of the Hail Insurance Department in Bismarck. If the applicant is a tenant, the signed consent of the person liable for the taxes authorized by this act must appear upon such appli-

cation, and if the owner makes such application, the written consent of the tenant must appear thereon. If either owner or tenant, in filing such application, acts as agent one for the other, a written authorization shall be attached to the application. Such applications are subject to the approval of the Commissioner of Insurance.

In no event shall such additional insurance become effective before application is on file in the office of the Hail Insurance Department.

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

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

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S. B. No. 84—(Walter Troxel)

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#### HIGHWAY CROSSINGS, FARM IMPLEMENTS

An act to amend and re-enact Section 42 of Chapter 162 of the Session Laws of 1927 relating to restrictions as to tire equipment, and repealing all acts or parts of acts in conflict herewith.

V E T O

March 15, 1939

Hon. James D. Gronna  
Secretary of State  
Bismarck, North Dakota

DEAR MR. SECRETARY:

I am transmitting to you herewith, unsigned, Senate Bill 84, entitled, "An act to amend and re-enact Section 42 of Chapter 162 of the Session Laws of 1927 relating to restrictions as to tire equipment, and repealing all acts or parts of acts in conflict herewith."

While I approve in a general way of the purposes sought to be accomplished through the enactment of this bill, I am unable to approve thereof for the reason that the provisions of Paragraph B-2, Section 42, of the bill as amended, requires the Highway Department to furnish protection for all permanent highway crossings, as further stated in the bill itself. I am reliably advised that in order to comply with these requirements, that the State Highway Department would be put to a tremendous annual expense, and in the absence of any appropriation whatever for such purpose, I can not see my way clear to permit this bill to become law. I therefore withhold my approval thereof.

Respectfully,  
JOHN MOSES  
Governor

JM:B

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

§ 1. AMENDMENT.] That Section 42 of Chapter 162 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

§ 42. RESTRICTIONS AS TO TIRE EQUIPMENT.] (a) Every solid rubber tire on a vehicle moved on any hard surfaced highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on any hard surface highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible:

1. To move farm machinery upon any public highway with tires having protuberances which will not injure such highway.

2. Where permanent crossing is established the highway department shall furnish protection for such crossing, so that a farmer who owns or operates land on both sides of any public highway can cross at such protected crossing without removing the stud, flange, cleat, spike, lugs or any other protuberances from farm tractors.

3. For the driver of any motor vehicle to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(c) The State Highway Commission and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

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



H. B. No. 174.—(Peterson and Frazer of Bottineau)

PROCEDURE FOR REMOVAL OF CERTAIN  
PUBLIC OFFICIALS

An act to amend and re-enact Section 686 of the Compiled Laws of North Dakota for 1913, as amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, being an act providing for petitioning the Governor to remove certain public officials; providing the procedure therefor; requiring a petition by qualified electors, and prescribing the procedure thereon; further providing for the Attorney General and appointed attorneys to prosecute such proceedings.

V E T O

March 15, 1939

Hon. James D. Gronna  
Secretary of State  
Bismarck, North Dakota

DEAR MR. SECRETARY:

I am transmitting to you herewith, without my signature, House Bill 174, entitled, "An act to amend and re-enact Section 686 of the Compiled Laws of North Dakota for 1913, as amended by Section 686 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, being an act providing for petitioning the Governor to remove certain public officials; providing the procedure therefor; requiring a petition by qualified electors, and prescribing the procedure thereon; further providing for the Attorney General and appointed attorneys to prosecute such proceedings."

I disapprove of this bill for the reason that it confuses the procedure to be followed in instituting removal proceedings and unless the entire law relating to the removal of public officials was to be modified and changed, I can see no good reason in adopting this particular bill.

Respectfully,

JOHN MOSES

Governor

JM:B

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

§ 1. The complaint or charges against any such official authorized to be removed by the Governor shall be entitled in the name of the State of North Dakota, and shall be filed with the Governor. It may be made upon the petition of 5% of the qualified electors of the county in which the person charged is an officer, or by the State's attorney in such county, and such complaint and charges shall be filed by the Attorney General, when directed to do so by the Governor. When the officer sought to be removed is other than the State's attorney, it shall be the duty of the State's attorney or

other competent attorney, upon request of the Governor, to appear and prosecute, and when the proceedings are brought to remove the State's attorney, the Governor shall request the Attorney General, or other competent attorney, to appear on behalf of the State and prosecute such proceedings.

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H. B. No. 171.—(Bingenheimer, Byrne, & Lange)

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**TESTING OF GASOLINE**

An act providing for the testing of gasoline, kerosene and other petroleum products used for fuel and power purposes and purchased for resale; repealing all acts and parts of acts in conflict herewith; providing a penalty.

**V E T O**

March 15, 1939

Hon. James D. Gronna  
Secretary of State  
Bismarck, North Dakota

DEAR MR. SECRETARY:

I am transmitting to you herewith House Bill 171, entitled, "An act providing for the testing of gasoline, kerosene and other petroleum products used for fuel and power purposes and purchased for resale; repealing all acts and parts of acts in conflict herewith; providing a penalty."

I disapprove of this bill for the reason that the legislature has failed to make adequate provisions for the enforcement thereof; I am reliably informed that the proper enforcement of this bill would entail an additional annual expense of between \$30-35,000 on the part of the State Laboratories Department; no appropriation has been made for this additional work, and in the absence of such appropriation, the State laboratories would be unable to properly enforce the provisions of this bill.

Respectfully yours,

JOHN MOSES  
Governor

JM:B

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

§ 1. All gasoline, kerosene and other petroleum products used for fuel or power purposes, and purchased for resale shall be tested by sample taken at place of destination within the State & sent to the State chemist as provided by Article 69 of Chapter 38 of the 1925 Supplement to the 1913 Laws of the State of North Dakota, prior to resale of any such products.

§ 2. PENALTY.] Any person, firm, association or corporation exposing for sale or selling any gasoline, kerosene or other petroleum products, to be used for fuel or power purposes, without having first complied with Section 1 hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00), or more than three hundred dollars (\$300.00), or by imprisonment for not less than ten (10) days or more than ninety (90) days, or both, at the discretion of the court.

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