

SCHOOL FINANCE AND ADMINISTRATION COMMISSION

CONCURRENT RESOLUTION.

(Trubshaw.)

Whereas, the problem of providing the necessary funds to efficiently maintain the public schools of the State, and not overburden the taxpayers, is a most serious one, and is yearly becoming more difficult to solve; and it is apparent that a crisis is impending in a large number of school districts in the State, unless this problem is shortly solved; and

Whereas, the whole problem of school finance and school administration is so comprehensive and complicated that it calls for extended study and analysis by a body of persons especially qualified for the task; and

Whereas, it is not possible for this Legislative Assembly to thoroughly investigate and consider such problems at this Session.

Now Therefore, Be it Resolved by the House of Representatives, the Senate concurring, that the Governor be authorized and directed to appoint a Commission of Five persons, two of whom shall be members of the 18th Legislative Assembly, to be known as the "School Finance and Administration Commission." It shall be the duty of such commission to make as thorough and comprehensive a study, investigation and analysis of the whole problem of school finance, school taxation and school administration, as possible, with a view to eliminate any unnecessary course of study, and to the reduction of taxation for school purposes; to make a report to the Governor not later than September 1st, 1924, containing its findings and recommendations; and it shall be the duty of the Governor to transmit such report to the next Legislative Assembly.

Approved March 5th, 1923.

VETOES

(H. B. No. 76—Olafson.)

APPROPRIATION, BOVINE TUBERCULOSIS FUND.

An Act Appropriating Ten Thousand (\$10,000.00) Dollars to the Bovine Tuberculosis Fund for carrying out the provisions of Article 17—Revised Code 1913 and Amendments thereto. Relating to the Reimbursement of Owners of Tuberculosis Cattle.

March 3, 1923

VETO.

To the Honorable Secretary of State:

I file herewith House Bill No. 76, being an act appropriating ten thousand (\$10,000.00) dollars to the bovine tuberculosis fund for carrying out the provisions of Article 17, Revised Code 1913 and amendments thereto. Relating to the reimbursement of owners of tuberculosis cattle, without my approval for the reason that House Bill No. 113 makes an appropriation of \$80,000 which should be sufficient to take care of the accumulating claims of the next few months as well as the needs of the coming biennium.

Therefore, I withhold my approval of this bill.

Very respectfully,

R. A. NESTOS,

Governor.

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

Sec. 1. There is hereby appropriated out of any moneys of the State Treasury, not otherwise appropriated, the sum of Ten Thousand (\$10,000.00) Dollars for the Bovine Tuberculosis Fund.

Sec. 2. EMERGENCY.) An emergency exists, whereas the Federal Government cooperates on an equal basis with the State Government in the payment of indemnity for cattle slaughtered for tuberculosis, and there remains \$15,000 of the Federal Allotment and insufficient moneys available in the Bovine Tuberculosis Fund to correspond with said allotments; therefore, this Act shall take effect and be in force from and after its passage and approval.

Vetoed March 3rd, 1923.

(H. B. No. 51—Cart.)

APPROPRIATION, DES LACS BRIDGE.

An Act To appropriate the Sum of Thirty-five Thousand (\$35,000.00) Dollars for the Purpose of Aiding in the Construction of a Bridge and Approaches Across the Des Lacs Lake on the County Line Between Burke and Ward Counties in the State of North Dakota under the Provisions of Chapter 73 of the Session Laws of North Dakota for the year 1919 and that such Appropriation be Made from the State Highway Fund.

VETO.

March 3, 1923.

To the Honorable Secretary of State:

I file herewith House Bill No. 51, being an act to appropriate the sum of thirty-five thousand (\$35,000.00) dollars

for the purpose of aiding in the construction of a bridge and approaches across the Des Lacs Lake on the county line between Burke and Ward counties in the state of North Dakota under the provision of Chapter 73 of the Session Laws of North Dakota for the year 1919 and that such appropriation be made from the state highway fund, without my approval for the following reasons:

That, during the last couple days of the session there were passed by both houses of the legislature, appropriations for new bridge projects in Cass County, between Burke and Ward counties, and between McKenzie and Williams counties, which said appropriations were in the aggregate amount of \$196,500, and that with the obligations already established against the fund from which these appropriations were made, there will remain an insufficient amount available during the coming biennium with which to meet these three bridge appropriations.

In the second place, I feel that the financial condition within our state and within the counties wherein these bridges are to be constructed, is such that we are not warranted at this time in entering upon the building of new bridge projects that in the aggregate will involve an expenditure of between one and two millions of dollars. It seems both wise and necessary to defer action thereon and for these reasons I withhold my approval of the above bill.

Very respectfully yours,

R. A. NESTOS,
Governor.

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

Sec. 1. There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919, the sum of thirty-five thousand (\$35,000.00) dollars or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30th, 1925, inclusive, for the purpose of aid in the construction of the sub-structure, super-structure and approaches or embankment to a bridge across the Des Lacs Lake on or near the county line between Burke and Ward counties within the State of North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

Sec. 2. Provided, however, that any money appropriated by this Act shall not be available or expended until the Counties of Burke and Ward in the State of North Dakota, shall have raised and appropriated a sum equal to the amount appropriated by this Act, nor until the Federal Government

shall have appropriated its proportionate share towards the completion of the bridge provided for herein.

Vetoed March 3rd, 1923.

(H. B. No. 30—Boyd.)

APPROPRIATION, FARGO BRIDGE.

An Act To appropriate the sum of \$75,000.00 from any moneys in the State Highway Fund, for the purpose of aiding in the construction of a Bridge across the Red River of the North, between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

VETO.

March 3, 1923.

To the Honorable Secretary of State:

I file herewith House Bill No. 30, being an act to appropriate the sum of \$75,000.00 from any moneys in the state highway fund, for the purpose of aiding in the construction of a bridge across the Red River of the North, between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Chapter 73 of the laws of North Dakota for the year 1919, without my approval for the following reasons:

That, during the last couple days of the session there were passed by both houses of the legislature, appropriations for new bridge projects in Cass County, between Burke and Ward counties, and between McKenzie and Williams counties, which said appropriations were in the aggregate amount of \$196,500, and that with the obligations already established against the fund from which these appropriations were made, there will remain an insufficient amount available during the coming biennium with which to meet these three bridge appropriations.

In the second place, I feel that the financial condition, within our state and within the counties wherein these bridges are to be constructed, is such that we are not warranted at this time in entering upon the building of new bridge projects that in the aggregate will involve an expenditure of between one and two millions of dollars. It seems both wise and necessary to defer action thereon and for these reasons I withhold my approval on the above bill.

Very respectfully yours,

R. A. NESTOS,
Governor.

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

Sec. 1. It is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of

Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919 the sum of \$75,000.00 or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30, 1925, inclusive, for the purpose of aid in the construction of the substructure, superstructure, and structural approaches to a bridge across the Red River of the North between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

Sec. 2. Provided however, that any money appropriated by this act shall not be available or expended until the counties of Cass, in the State of North Dakota, and Clay in the State of Minnesota, and also the State of Minnesota shall have raised and appropriated a sum equal to the amount appropriated by this act, or until the Federal Government shall have appropriated its proportionate share towards the completion of the bridge provided for herein.

Vetoed March 3rd, 1923.

(H. B. No. 66—Eckert.)

APPROPRIATION, WILLISTON BRIDGE.

An Act To appropriate the sum of \$86,500.00, From any Moneys in the State Highway Fund, for the Purpose of Aiding the Construction of a Bridge Across the Missouri River, Between Williams County, North Dakota, and McKenzie County, North Dakota, Under the Provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

March 3, 1923.

VETO.

To the Honorable Secretary of State:

I file herewith House Bill No. 66, being an act to appropriate the sum of \$86,500.00, from any moneys in the state highway fund, for the purpose of aiding the construction of a bridge across the Missouri River, between Williams county, North Dakota and McKenzie county, North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, without my approval for the following reasons:

That, during the last couple days of the session there were passed by both houses of the legislature, appropriations for new bridge projects in Cass County, between Burke and Ward counties, and between McKenzie and Williams counties, which said appropriations were in the aggregate amount of \$196,500, and that with the obligations already established against the fund from which these appropriations were made, there will

remain an insufficient amount available during the coming biennium with which to meet these three bridge appropriations.

In the second place, I feel that the financial condition within our state and within the counties wherein these bridges are to be constructed, is such that we are not warranted at this time in entering upon the building of new bridge projects that in the aggregate will involve an expenditure of between one and two million of dollars. It seems both wise and necessary to defer action thereon and for these reasons I withhold my approval of the above bill.

Very respectfully yours,

R. A. NESTOS,
Governor.

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

Sec. 1. It is hereby appropriated out of any moneys in the State Highway fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919 the sum of \$86,500.00 or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30th, 1925, inclusive, for the purpose of aid in the construction of the sub-structure, superstructure, and structural approaches to a bridge across the Missouri River between Williams County and McKenzie County, North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

Vetoed March 3rd, 1923.

(S. B. No. 142—Committee on Appropriations.)

APPROPRIATION, MISCELLANEOUS REFUND.)

An Act Making an Appropriation of the Sum of \$25,000.00 for the Biennium, which is known as a Miscellaneous Refund.

VETO.

March 3, 1923.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 142, being an act making an appropriation of the sum of \$25,000.00 for the biennium, which is known as a miscellaneous Refund, without my approval for the reasons that the appropriations of the legislature exceed the available income and that there does not appear to be a need for such an appropriation.

Very respectfully,

R. A. NESTOS,
Governor.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated

out of any not otherwise appropriated funds in the State Treasury, the sum of \$25,000.00, or so much thereof as shall be necessary for the purpose of making certain refunds, for the biennium, and is known as the Miscellaneous Refunds account.

Vetoed March 3rd, 1923.

(S. B. No. 325—Baird.)

CERTIFIED PUBLIC ACCOUNTANTS.

An Act to Amend and Re-enact Section 557 of the Compiled Laws of North Dakota for 1913, Governing the Practice of Certified Public Accountants in the State, and providing a Penalty for Violation of the Laws Governing Accountancy.

March 12, 1923.

VETO.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 325, being an act to amend and re-enact Section 557 of the Compiled Laws of North Dakota for 1913, governing the practice of certified public accountants in the state, and providing a penalty for violation of the laws governing accountancy, without my approval for the reason that the said act is so loosely drawn and some of the provisions thereof so indefinite that neither the public nor the accountant who might be charged thereunder have their rights properly safeguarded. For these reasons, I withhold my approval.

Very truly yours,

R. A. NESTOS,
Governor.

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

Sec. 1. AMENDMENT.) That Section 557 of the Compiled Laws of North Dakota, for 1913, be amended and re-enacted to be read as follows:

Sec. 557. MISCONDUCT PENALTY.) Any certified Public Accountant who shall be found guilty of falsifying a report, statement, investigation or audit, shall have his certificate revoked and be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars, or more than Five Hundred, or by imprisonment in the State Penitentiary, for a period of not less than one year or more than three years, or by both such fine and imprisonment, in the discretion of the Court.

Sec. 557A. GENERAL PENALTY.) Any person representing himself or herself to the Public as having received a certificate as a Certified Public Accountant, as provided for in this act,

or who shall assume to practice as a Certified Public Accountant, without first having received such certificate, or if any person having received such certificate, shall hereafter lose the same by revocation, as provided for in this act and shall continue to practice as a Certified Public Accountant, or use such title or any other title mentioned in Section 551 of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished, by a fine of not less than Fifty Dollars and not exceeding Three Hundred Dollars, or by imprisonment for a period not to exceed ninety days, or by both such fine and imprisonment in the discretion of the Court.

Sec. 2. REPEAL.) All acts or parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed.

Sec. 3. EMERGENCY.) Whereas the Supreme Court of North Dakota recently held that the present accountancy law being Article 21, Chapter 5 Compiled Laws of North Dakota for 1913, contains no penalty with which to enforce the act, against persons assuming the title of Certified Public Accountant, without first receiving the necessary certificate, to practice as such and as this act is to correct such omission in the law, an emergency exists, and this act shall become effective from and after its passage and approval.

Vetoed March 12th, 1923.

(S. B. No. 236—Ward.)

CONVERSION AND EXCHANGE OF BONDS.

An Act Authorizing the Cancellation, Conversion and Exchange of Bonds Issued Under and By Virtue of Chapter 148, Session Laws of 1919.

March 8, 1923.

VETO.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 236, being an act authorizing the cancellation, conversion and exchange of bonds issued under and by virtue of Chapter 148, Session Laws of 1919, without my approval for the reason that House Bill No. 232 which has already been enacted into law takes care of the same situation more adequately, and the approval of this measure would be but a duplication of legislation.

Very truly yours,

R. A. NESTOS,
Governor.

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

Sec. 1. Whenever there is delivered and surrendered for conversion to the Industrial Commission bonds issued under and

by virtue of Chapter 148 of the Session Laws of 1919, by the purchaser of such bonds, the Industrial Commission may in its discretion cancel such bonds of record and convert, exchange and re-issue same for the purchaser in different denominations for an amount equal to the bonds so delivered, surrendered and cancelled. The rate of interest and dates of maturity of such re-issued bonds shall remain the same as those cancelled. Upon the cancellation of such bonds the Industrial Commission shall forthwith notify the State Treasurer who shall also cancel same of record and shall file the bonds so cancelled in his office, and thereupon the bonds shall be re-issued in accordance with the provisions of this act and with Chapter 148 of the Session Laws of 1919.

Vetoed March 8th, 1923.

(H. B. No. 245—Freeman.)

MILL AND ELEVATOR BONDS.

An Act To Amend and Re-enact Section 2 of Chapter 153 of the Session Laws of North Dakota for 1919, Relating to Bonds of North Dakota, Mill and Elevator Series.

VETO.

March 8, 1923.

To the Honorable Secretary of State:

I file herewith House Bill No. 245, being an act to amend and re-enact Section 2 of Chapter 153 of the Session Laws of North Dakota for 1919, relating to bonds of North Dakota, Mill and Elevator series, without my approval for the reason that the only change made in the law by the proposed enactment is that it relieves the industrial commission of the duty of securing a verified appraisal of the property which is the basis of our bond issues, and I am confident that such a change in the law would shake the confidence in our purposes and in the value and validity of our bonds.

I do not feel that any good purpose can be served by enacting this measure. For that reason, I withhold my approval.

Very truly yours,

R. A. NESTOS,
Governor.

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

Sec. 1. AMENDMENT.) That Section 2 of Chapter 153 of the Session Laws of North Dakota for 1919, be amended and re-enacted to read as follows:

Sec. 2. Whenever the Industrial Commission shall deem it expedient so to do, for the purpose of authorizing the is-

suance of bonds of the State of North Dakota as contemplated by this Act, it shall cause mortgages to be executed in the manner prescribed by Section 7 of the Act entitled "An Act declaring the purpose of the State of North Dakota to engage in the business of manufacturing and marketing farm products, and for establishing a warehouse, elevator and flour mill system under the name of North Dakota Mill and Elevator Association operated by the state, and defining the scope and manner of its operation, and the powers and duties of the persons charged with its management; and making an appropriation therefore," enacted in the year 1919, by the Sixteenth Session of the Legislative Assembly of North Dakota, being Senate Bill Number 20. The grantee and mortgagee designated in said mortgages shall be "the State Treasurer of North Dakota and his successors in office in trust." Each mortgage shall be executed and delivered to the Treasurer of North Dakota and his successors in office, in trust as security for bonds to be issued by the State of North Dakota under the designation of "Bonds of North Dakota Mill and Elevator Series," as provided by law, and shall contain a recital to that effect. The property described in and covered by said mortgages shall be such property as is owned by or may be acquired for the State of North Dakota, doing business as North Dakota Mill and Elevator Association, and dedicated to or acquired for the use thereof by the Industrial Commission. All property dedicated to or acquired for the State of North Dakota doing business as North Dakota Mill and Elevator Association shall be described in and covered by first mortgages so that at all times all of the property of the State of North Dakota doing business as North Dakota Mill and Elevator Association shall be pledged to the payment of all of the bonds issued, sold and delivered under the provisions of this Act; and attached to each of said mortgages, and incorporated by reference into the provisions thereof; shall be an itemized statement of all of the property specified and covered therein, showing the true value thereof. Said mortgages shall be a first lien upon all of said property without prior lien or incumbrance of any kind whatsoever.

Vetoed March 8th, 1923.

(H. B. No. 226—Goranson and Craig.)

NON-RESIDENT TUITION FEE, COUNTY AGRICULTURAL AND TRAINING SCHOOLS.

An Act To Amend and Re-enact Section 1462 of the Compiled Laws of the State of North Dakota for the year 1913 relating to the Admission of Non-resident Students to County Agricultural and Training Schools, providing for the payment of Tuition of such Non-resident Students by the County of their Residence.

VETO.

March 12th, 1923.

To the Honorable Secretary of State:

I file herewith House Bill No. 226, being an act "to amend and re-enact Section 1462 of the Compiled Laws of the State of North Dakota for the year 1913 relating to the admission of non-resident students to county agricultural and training schools, providing for the payment of tuition of such non-resident students by the county of their residence," without my approval for the reason that I do not believe in the policy that makes it possible for an institution, receiving five thousand dollars in aid from the state of North Dakota, to make tuition charges of approximately one hundred dollars per pupil, against other counties, the tax payers of which are helping to pay the state aid already received and who also support an agricultural college to which such students may go.

I think it proper that these schools should be permitted to charge tuition but I do not feel that they should be granted the power to tax these tuition fees against any county without the consent of the county commissioners, or by a vote of the people of such county.

If fifty pupils were to enter the school at Maddock, for instance, from Eddy county, the school at Maddock could collect five thousand dollars from Eddy county, even tho neither the county commissioners nor the citizens of Eddy county had agreed thereto, and in spite of the fact that the parents of these pupils might be abundantly able to provide for their education and in spite of the further fact that the taxpayers of Eddy county are now contributing a part of the aid already received and are also helping to support an agricultural college at Fargo.

For these reasons, I withhold my approval.

Very respectfully,

R. A. NESTOS,
Governor.

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

Sec. 1. AMENDMENT.) That Section 1462 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is amended and re-enacted to read as follows:

Sec. 1462. SCHOOL FREE TO WHOM. ADMISSION OF NON RESIDENTS.) Any school organized under the provisions of this act shall be free to the residents of the county in which the school is located; but the Board of Trustees of such school may admit students from counties in which no County Agricultural and Training School shall have been organized under this act, whenever the facilities for seating and instructions

will warrant it, and shall prescribe terms and conditions under which such non-resident student may be admitted. Provided, however, that no non-resident student or students who have not completed the course of study prescribed by the State Superintendent of Public Instruction for the common schools of the state shall be admitted except upon passing an Examination in all the subjects required to obtain a common school diploma. Non-resident students, under twenty-one years of age, may also be admitted to advanced standings upon presentation of satisfactory evidence of having completed the required work in some standardized graded school or standardized high school or other educational institution of recognized standing or upon passing a satisfactory examination in the required subjects.

It shall be the duty of any county in which no county agricultural and Training School shall have been organized under this act to pay the tuition of qualified students residing in such county who enter any organized county agricultural and training school in the state. The board of trustees of such agricultural and training school where such students may enter shall be entitled to and is hereby authorized to charge a tuition fee for such non-resident students not to exceed two and one half dollars per school week for the time such non-resident students are in attendance. The county commissioners of the county from which such students may come are hereby authorized to pay to the treasurer of the county agricultural and training school such tuition fees in such sums as shall be shown due and payable under the rules and regulations adopted by said board of trustees for the admission of non-resident students.

On or before the twentieth day of June each year, the principal of the county agricultural and training school, which shall have admitted non-resident students under this act, shall file with the secretary of the board of trustees of said school a sworn statement, setting forth the residence, including county and political unit, name, age, and date of entrance to such county agricultural and training school, and the number of school weeks enrolled during the current year for each student so admitted from such county or counties. On or before the thirtieth day of June of each year the secretary of the board of trustees of said school shall file a copy thereof attached to a statement of account, executed in the usual form required for filing bills, showing the tuition fees, which under this act and the rules of the board of trustees, the county is entitled to receive for each person having been enrolled in such county agricultural and training school during the current year and the aggregate sum for all persons so admitted, which statement shall be filed with the county auditor of the county

from which said student or students were admitted as a claim against such county and shall be allowed by the board of county commissioners of such county as other claims are allowed and paid out of the general funds of the county.

Vetoed March 12, 1923.

(H. B. No. 312—Quade.)

LEGISLATIVE RE-APPORTIONMENT.

An Act To Amend and Re-enact Section 44 of the Compiled Laws of North Dakota for the Year 1913, as amended and re-enacted by Chapter 4 of the Session Laws of North Dakota for the year 1915 as Amended and re-enacted by Chapter 2 of the Session Laws of North Dakota for the year 1917, relating to Legislative Apportionment.

VETO.

March 12, 1923.

To the Honorable Secretary of State:

I file herewith House Bill No. 312, being an act to amend and re-enact Section 44 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 4 of the Session Laws of North Dakota for the year 1915, as amended and re-enacted by Chapter 2 of the Session Laws of North Dakota for the year 1917, relating to legislative apportionment, without my approval for the following reasons:

The constitution provides that at the first legislative session after each census, the state shall be divided into senatorial districts as nearly equal to each other in the number of inhabitants entitled to representation as possible, and that a general reapportionment shall be made on such a basis. This should have been done in 1921, but it was not attended to. In my inaugural address, I recommended that it be done at this session and that the number of senators and representatives be decreased.

The above act on the face of it purports to make a general reapportionment, but a careful investigation of the provisions of the act reveals the fact that while there have been fair and proper changes in a few districts, that the act has failed to correct the inequalities existing in other districts, and is therefore not just and equitable thruout.

It is apparent that it was fair and just to join Grant and Sioux counties in one district. It is also apparent that, since Emmons county is considerably larger than Sheridan, that Sheridan and Kidder should be joined in the same senatorial district rather than Kidder and Emmons. It is just also to say that as between McHenry and Stutsman counties, if either of them is entitled to two senatorial districts, it is surely Stutsman with over 24,000 people rather than McHenry with less than 16,000.

Those preparing the act, however, seem to have overlooked the fact that in the forty-first district, McKenzie and Williams with a total population of 27,524 are combined, though the Missouri river separates the two, and that if Stutsman county is entitled to two senatorial districts, surely McKenzie and Williams were entitled to be divided into two such districts.

We also find that at the last census, the ninth legislative district consisting of Fargo had approximately 22,000 people and undoubtedly considerably more at this time, and yet no attempt was made to rearrange the lines of the senatorial districts in Cass County.

These, and a number of other inequalities, still remain and it is my judgment that rather than to approve the above act, it will be fairer to withhold the approval of the act now, and then to urge upon the next legislative session that a general reapportionment act be passed to correct all of these inequalities and, if possible, also to reduce the membership of the senate to about thirty-five and the membership of the house to about seventy.

For these reasons, I withhold my approval.

Very respectfully,

R. A. NESTOS,
Governor.

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

Sec. 1. AMENDMENT.) That Section 44 of the Compiled Laws of North Dakota for the Year 1913 as amended and re-enacted by Chapter 4 of the Session Laws of North Dakota for the year 1915, as amended and re-enacted by Chapter 2 of the Session Laws of North Dakota for the year 1917 be and the same is hereby amended and re-enacted to read as follows:

Sec. 1. Unless otherwise provided by law under the terms of the constitution, the legislative assembly of the state of North Dakota shall consist of forty-nine senators and one hundred thirteen representatives, and the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned, as follows:

(1) The first district shall consist of the county of Pembina, and shall be entitled to one senator and three representatives.

(2) The second district shall consist of the city of Kenmare and that portion of Ward county situated and being in townships 154, 155 and 156 of ranges 85, 86 and 87; township 157 of ranges 84, 85, 86, and 87; township 158 of range 87; townships 159 and 160 of ranges 87, 88 and 89; and township

161 of range 88; and shall be entitled to one senator and one representative.

(3) The third district shall consist of the townships of Sauter, Shepherd, Dewey, Kinloss, Perth, Latona, Adams, Silvesta, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Opps, Prairie Center, Fertile, Glenwood, city of Park River, and the villages of Edinburg, Conway, Hoople, Pisek, Adams and Fairdale, in the county of Walsh, and shall be entitled to one senator and two representatives.

(4) The fourth district shall consist of the townships of Forest River, Walsh, Centre, Grafton, Farmington, Ardoch, Harriston, Oakwood, Martin, Walshville, Pulaski, Acton, St. Andrews, city of Grafton, city of Minto, village of Forest River, and village of Ardoch, in the county of Walsh, and shall be entitled to one senator and one representative.

(5) The fifth district shall consist of the townships of Gilby, Johnstown, Strabane, Wheatfield, Hegton, Arvilla, Avon, Northwood, Lind, Grace, Larimore, Elm Grove, Agnes, Inkster, Elkmount, Plymouth, Niagara, Moraine, Logan Centre, and Loretta, the city of Northwood, the city of Larimore, and the city of Inkster, in the county of Grand Forks, and shall be entitled to one senator and one representative.

(6) The sixth district shall consist of the third, fourth, fifth and sixth wards of the city of Grand Forks, as now constituted, and the townships of Falconer, Turtle River, Ferry, Rye, Blooming, Mekinock, Lakeville and Levant, in the county of Grand Forks, and shall be entitled to one senator and one representative.

(7) The seventh district shall consist of the first, second and seventh wards of the city of Grand Forks, as now constituted, and the townships of Grand Forks, Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union and Washington, and the first and second wards of the city of Reynolds, in the county of Grand Forks, and shall be entitled to one senator and one representative.

(8) The eighth district shall consist of the county of Traill, and shall be entitled to one senator and three representatives

(9) The ninth district shall consist of the township of Fargo, the city of Fargo, and the village of North Fargo, in the county of Cass and shall be entitled to one senator and three representatives.

(10) The tenth district shall consist of the townships of Noble, Wisner, Harwood, Reed, Barnes, Stanley, Pleasant, Kinyon, Gardiner, Berlin, Raymond, Mapleton, Warren, Normanna, Bell, Harmony, Durbin, Addison, Davenport, Casselton, and the fractional township 139 of range 48, the city of Cassel-

ton, the village of Mapleton, and the village of Davenport, in the county of Cass, and shall be entitled to one senator and two representatives.

(11) The eleventh district shall consist of the townships of Gunkle, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walburg, Watson, Page, Rich, Ayr, Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill Clifton and Pontiac, the village of Page, and the village of Buffalo, in the county of Cass, and shall be entitled to one senator and two representatives.

(12) The twelfth district shall consist of the townships of Eagle, Abercrombie, Dwight, Ibsen, Centre, Mooreton, Brandenburg, Summit, Fairmount, Devillo, Lamars, Waldo and Greendale, the city of Wahpeton, and the villages of Abercrombie, Great Bend, and Fairmount, in the county of Richland, and shall be entitled to one senator and two representatives.

(13) The thirteenth district shall consist of the county of Sargent, and shall be entitled to one senator and two representatives.

(14) The fourteenth district shall consist of the county of Ransom, and shall be entitled to one senator and two representatives.

(15) The fifteenth district shall consist of that portion of the county of Barnes situated and being in townships 140 and 141 of ranges 58, 59, and 60, township 141 of range 61; and townships 142 and 143 of ranges 56, 57, 58, 59, 60 and 61; and shall be entitled to one senator and one representative.

(16) The sixteenth district shall consist of the counties of Steele and Griggs, and shall be entitled to one senator and three representatives.

(17) The seventeenth district shall consist of the county of Nelson, and shall be entitled to one senator and two representatives.

(18) The eighteenth district shall consist of the county of Cavalier, and shall be entitled to one senator and three representatives.

(19) The nineteenth district shall consist of the county of Rolette, and shall be entitled to one senator and two representatives.

(20) The twentieth district shall consist of the county of Benson, and shall be entitled to one senator and two representatives.

(21) The twenty-first district shall consist of the county of Ramsey, and shall be entitled to one senator and three representatives.

(22) The twenty-second district shall consist of the county of Towner, and shall be entitled to one senator and two representatives.

(23) The twenty-third district shall consist of that portion of the county of Stutsman situated and being in townships 137, 138, 139 and 140 of ranges 62, 63 and 64; and townships 141, 142, 143 and 144 of ranges 62 and 63; and shall be entitled to one senator and two representatives.

(24) The twenty-fourth district shall consist of the county of LaMoure, and shall be entitled to one senator and two representatives.

(25) The twenty-fifth district shall consist of the county of Dickey, and shall be entitled to one senator and two representatives.

(26) The twenty-sixth district shall consist of the county of Emmons, and shall be entitled to one senator and two representatives.

(27) The twenty-seventh district shall consist of the county of Burleigh, and shall be entitled to one senator and three representatives.

(28) The twenty-eighth district shall consist of the county of Bottineau, and shall be entitled to one senator and three representatives.

(29) The twenty-ninth district shall consist of the city of Minot, and that portion of the county of Ward situated and being in townships 151, 152 and 153 of ranges 81, 82, 83, 84, 85, 86 and 87; townships 154, 155 and 156 of ranges 81, 82, 83 and 84; and township 157 of ranges 81, 82, and 83; and shall be entitled to one senator and four representatives.

(30) The thirtieth district shall consist of the county of Morton, and shall be entitled to one senator and four representatives.

(31) The thirty-first district shall consist of the county of Stark, and shall be entitled to one senator and three representatives.

(32) The thirty-second district shall consist of the counties of Eddy and Foster, and shall be entitled to one senator and two representatives.

(33) The thirty-third district shall consist of the county of Wells, and shall be entitled to one senator and two representatives.

(34) The thirty-fourth district shall consist of that portion of the county of Stutsman situated and being in townships 137, 138, 139 and 140 of ranges 65, 66, 67, 68 and 69; and townships 141, 142, 143 and 144 of ranges 64, 65, 66, 67, 68 and 69; and shall be entitled to one senator and two representatives.

(35) The thirty-fifth district shall consist of the counties of Kidder and Sheridan, and shall be entitled to one senator and three representatives.

(36) The thirty-sixth district shall consist of the counties of Logan and McIntosh, and shall be entitled to one senator and three representatives.

(37) The thirty-seventh district shall consist of the townships of Walcott, Colfax, Barrie, Helendale, Sheyenne, Viking, Nansen, Garbourg, Freeman, West End, Homestad, Antelope, Barney, Danton, Wyndmere, Dexter, Liberty Grove, Bedford, Brightwood, Moran, Grant, Durr and Elma, the village of Wyndmere, the town of Hankinson, and the city of Lidgerwood, in the county of Richland, and shall be entitled to one senator and two representatives.

(38) The thirty-eighth district shall consist of that portion of the county of Barnes situated and being in townships 137, 138, and 139 of ranges 56, 57, 58, 59, 60 and 61; townships 140 and 141 of ranges 56 and 57; and township 140 of range 61; and shall be entitled to one senator and one representative.

(39) The thirty-ninth district shall consist of the counties of Billings, Bowman, Slope and Golden Valley, and shall be entitled to one senator and three representatives.

(40) The fortieth district shall consist of the counties of Burke and Divide, and shall be entitled to one senator and three representatives.

(41) The forty-first district shall consist of the counties of Williams and McKenzie, and shall be entitled to one senator and five representatives.

(42) The forty-second district shall consist of the county of Pierce, and shall be entitled to one senator and two representatives.

(43) The forty-third district shall consist of the county of Renville, and shall be entitled to one senator and one representative.

(44) The forty-fourth district shall consist of the county of Mountrail, and shall be entitled to one senator and two representatives.

(45) The forty-fifth district shall consist of the county of McHenry and shall be entitled to one senator and three representatives.

(46) The forty-sixth district shall consist of the county of McLean, and shall be entitled to one senator and three representatives.

(47) The forty-seventh district shall consist of the counties of Grant and Sioux, and shall be entitled to one senator and two representatives.

(48) The forty-eighth district shall consist of the counties of Mercer, Oliver and Dunn, and shall be entitled to one senator and three representatives.

(49) The forty-ninth district shall consist of the counties of Adams and Hettinger, and shall be entitled to one senator and two representatives.

Sec. 2. In order that the Senate may consist of two classes of Senators, as nearly equal in number as may be, the senator elected in 1924 from the thirty-fourth district, as defined in this act, shall serve for a term of two years, and the senator elected in 1926 from the forty-fifth district, as defined in this act, shall serve for a term of two years. At the expiration of the terms of said senators their successors shall be elected for the constitutional term of four years. The senator elected in 1922 from the thirty-fourth district as then constituted, shall from and after the thirty-first day of December, 1924, serve as senator from the forty-fifth district for the remainder of the term for which he was elected.

Vetoed March 12, 1923.

(H. B. No. 166—Sathre.)

SURVIVAL OF PERSONAL INJURY ACTIONS.

An Act To Amend and Re-enact Section 8325 of the Compiled Laws of North Dakota for 1913, Relating to Actions Arising Out of Personal Injury or Death Resulting from Wrongful Acts.

March 12, 1923.

VETO.

To the Honorable Secretary of State:

I file herewith House Bill No. 166, being an act to amend and re-enact Section 8325 of the Compiled Laws of North Dakota for 1913, relating to actions arising out of personal injury or death resulting from wrongful acts, without my approval for the reason that the amendment and the existing law as proposed in the said act, does not appear to be a wise and proper one and in the interest of good public policy.

Very respectfully,

R. A. NESTOS,
Governor.

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

Sec. 1. AMENDMENT.) That Section 8325 of the Compiled Laws for 1913 be amended and re-enacted to read as follows:

Sec. 8325. All actions or causes of action, for personal injuries including pain and suffering and expense, where the injured party shall die from causes which are not the result of such injuries or pain and suffering, shall survive the death of the said injured person, and an action may be maintained against the person or corporation responsible for such injuries, pain and suffering and expense, by any of the persons named in Section 8323 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 106 of the Session Laws of North

Dakota for 1917, with the same force and effect as the said injured person could have maintained said action, were he still living. The action or cause of action shall not abate by reason of the death of either party to the record. If the plaintiff dies pending the action, the person next in order entitled to bring the action, shall, by order of Court, be made plaintiff therein, and if action shall not have been already commenced, such action may be brought by the persons, and in the manner provided in Section 8323, of the Compiled Laws of North Dakota for 1913, as amended by Chapter 106 of the Session Laws of North Dakota for 1917. That it shall not be necessary to present such claim created by such action, or cause of action, to the estate of the deceased tortfeasor, except that a copy of the summons and complaint may be served upon the executor or personal representatives of said estate.

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

Vetoed March 12, 1923.

INITIATED MEASURES

REPEAL OF TEACHERS MINIMUM TRAINING AND SALARY LAW.

Being an act providing for the repeal of Chapter 112 of the Session Laws of 1921, which provides for a minimum amount of training, a minimum salary for a teaching experience of less than one school year, and a schedule of salary minimum for a teaching experience of from one to six years inclusive, for teachers in the public schools of North Dakota.

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

Sec. 1. Chapter 112 of the Session Laws of 1921 of the laws of the State of North Dakota is hereby repealed.

Approved June 28, 1922—101,167 to 70,372.

BONDS OF NORTH DAKOTA, REAL ESTATE SERIES.

Being an act amending the Bonds of North Dakota Real Estate Series Act, providing for the issuing of bonds of the State of North Dakota in a sum of not Exceeding \$10,000,000.00.

Amends Section 15 of Chapter 154 of the Laws of 1919, so as to increase the amount for which such bonds may be issued from a sum not exceeding \$10,000,000.00 to a sum not exceeding \$20,000,000.00.

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

Sec. 1. That Section 15 of Chapter 154 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows: