

That no bill or resolution shall be introduced, received or acted upon, except the following:

- (1) A bill providing for an income tax;
- (2) A bill providing for an appropriation for the Valley City Normal School;
- (3) A bill providing for an appropriation for the Mayville Normal School and
- (4) A bill providing for the expenses of this special session of the legislature.
- (5) A bill providing for an appropriation for dealing with Bovine Tuberculosis:
- (6) A bill to provide for Motor Vehicle Drivers' License and to increase the number of Highway Patrol from ten to twenty.

Filed March 10, 1937.

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## VETOES

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S. B. No. 187—(Committee on Agriculture)

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### ADVISORY COUNCIL FOR COUNTY AGENTS

An Act to provide for an Advisory Council in each County to confer with and direct each County Agent in his work program for the year, providing for selection of such council, methods of operation, and giving such council power to demand removal of such County Agent and providing for hearing on such demand, and repealing all Acts or parts of Acts in conflict herewith.

V E T O

March 19th, 1937

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

DEAR MR. SECRETARY:

I am herewith transmitting to you Senate Bill No. 187, which I have disapproved, entitled "An Act to provide for an Advisory Council in each County to confer with and direct each County Agent in his work program for the year, providing for selection of such council, methods of operation, and giving such council power to demand removal of such County Agent and providing for hearing on such demand, and repealing all Acts or parts of Acts in conflict herewith."

I disapprove this bill for the reason that it would create six new jobs in each County—a total of 318 new positions. These 318 men would receive \$5.00 per meeting and 5c mileage, and nothing

is to prevent the persons selected from meeting several days at a time, although the law provides that they shall have not to exceed four meetings a year. It will be seen that the expense of such meetings would run into thousands of dollars, and I do not believe the benefits received would be at all commensurate with the expense involved. Besides, the County Commissioners already have this as a part of their duties.

Yours very truly,

WILLIAM LANGER,

Governor.

WL:JEB.

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

§ 1. ADVISORY COUNCIL—HOW ELECTED.] After the passage of this Act, the Cooperative Extension Department of the Agricultural College, together with the Board of County Commissioners for each County maintaining a County Agent in accordance with the provisions of Section 3259a of the Supplement to the Compiled Laws of 1913, shall zone each of such Counties of the State into six (6) zones containing as nearly equal a number of townships as is feasible in each zone. The Board of County Commissioners of each such County shall call once a year, in a convenient community center, a public mass meeting of the electors of each of the six (6) zones, for the purpose of electing one member of the Advisory Council for each zone, said member to be an active farmer residing in said zone. Notice of said public mass meeting shall be published in the local official newspaper for two consecutive issues previous to the date of such public mass meeting. One member of the Board of County Commissioners shall preside at the election of such mass meeting, and the election thus held shall be by ballot. The six (6) members thus elected, together with one member of the Board of County Commissioners, as the seventh member, shall constitute the Advisory Council of that County. The six farmer members of the Advisory Council shall be paid \$5.00 per meeting and (5c) five cents per mile for mileage to and from official meetings of the council, said mileage to be paid out of the County Agent's funds upon the presentation of vouchers duly approved and ordered by the Board of County Commissioners, provided, however, in no case shall per diem and mileage be allowed to any member for more than four meetings in any one calendar year.

§ 2. ADVISORY COUNCIL.—ORGANIZATION.—POWERS.] Within ten days after the selection of said Advisory Council the chairman of the Board of County Commissioners in each County, shall call a meeting of said council at the County Court house for the purpose of organizing the council. The council shall at such meeting select from its own members, a president, a vice-president, and a secretary. After the Advisory Council is thus organized the

council itself shall be empowered to call meetings on its own accord, but not to exceed four meetings per year, as stipulated in Section I of this Act.

§ 3. DUTIES.] At the public mass meetings called for election of members of the Advisory Council each year, in each County employing a County Agent, there shall be held an open Forum for the purpose of discussing plans for a suitable program of cooperative extension work for such County for the current year, the County Agent to take part in such discussion. After the Advisory Council is elected and properly organized the council shall review the proposed plans as adopted at these public mass meetings and out of these suggested plans select and adopt what they consider is suitable for a cooperative extension work program for that County during the current year. The County Agent shall take part in the discussion of these proposed plans but shall have no vote in the final adoption of the plan selected by the Advisory Council. After the Advisory Council has adopted its program for cooperative extension work for the County for the current year, such program shall be approved by the Cooperative Extension Department of the Agricultural College, and when so approved such program shall become the authorized cooperative extension work program for that County for that year; and it shall be obligatory for the County Agent of such County to put into effect as much of this approved program as can be reasonably expected of him to do.

§ 4. REMOVAL OF COUNTY AGENT.] At any time when the Advisory Council feels that the success of the adopted and approved program of cooperative extension work for the County is handicapped by the County Agent of said County, the Advisory Council shall be empowered to demand of the Cooperative Extension Department of the Agricultural College and the Board of County Commissioners, that said County Agent be removed, and that a joint meeting be arranged within 30 days after such demand between the Advisory Council, the Cooperative Extension Department and the Board of County Commissioners as set forth in Section 3259a of the 1925 Supplement to the Compiled Laws for 1913.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

S. B. No. 124—(Cain, Lemke, Young and Topp)

**FIRE DEPARTMENT INSTRUCTOR**

An Act providing for the employment of a Fire Department Instructor; prescribing the qualifications of such instructor and the duties thereof; providing for salary and expenses of, and fees to be charged by such instructor; requiring reports and providing an appropriation to carry out the provisions of this Act.

V E T O

March 17, 1937

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

DEAR MR. SECRETARY:

I am herewith transmitting to you Senate Bill No. 124, entitled "An Act providing for the employment of a fire department instructor; prescribing the qualifications of such instructor and the duties thereof; providing for salary and expenses of, and fees to be charged by such instructor; requiring reports and providing an appropriation to carry out the provisions of this Act," which I have disapproved.

My reason for this disapproval is that there is insufficient money on hand in the State Treasury to cover this appropriation, and that the object of this bill may be accomplished through another department of our State government.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. EMPLOYMENT OF ITINERANT FIRE DEPARTMENT TEACHER AND INSTRUCTOR.] For the purpose of improving the efficiency of the several fire departments in the State of North Dakota, the Supervisor of Trade and Industrial Education of the State of North Dakota, with the approval of the State Board of Vocational Education, shall select, appoint and employ an Itinerant Fire Department Teacher-Trainer and Instructor, who shall be known as the Fire Department Instructor. The North Dakota Firemen's Association may recommend one or more persons as candidates for such appointment, and should any of the persons so recommended possess the necessary qualifications as prescribed in Section 2 of this Act, preference shall be given to the applicants so recommended.

§ 2. QUALIFICATIONS.] The person so appointed shall possess such educational and teaching qualifications as may be prescribed by the State Board of Vocational Education, and shall have had at least five (5) years experience as an active fireman.

§ 3. SALARY AND EXPENSES.] The salary of the Fire Department Instructor shall be such as may be determined by the State Board of Vocational Education, but in no event to exceed the sum of Two Hundred Dollars (\$200.00) per month, and his actual and necessary expense incurred in the discharge of his duties, to be audited and paid in the same manner as the salary and expense of Itinerant State Trade and Industrial Instructors are paid.

§ 4. DUTIES.] The Fire Department Instructor shall, at least once every two years, give instruction to every fire department in the State of North Dakota, ascertain the efficiency of the personnel of such department, hold a school of instruction for the members of such fire departments, and impart such information to each department visited as to him shall seem necessary and proper. It shall be the duty of the Chief of the Fire Department of each department visited to cooperate with the Fire Department Instructor, and assist him in the upgrading of the department, and to have present at any school of instruction deemed necessary, by the Fire Department Instructor, as many as possible of the members of his department.

§ 5. FEES TO BE CHARGED.] For the purpose of reimbursing the State Treasury for the appropriation hereinafter made, for the purpose of cooperating with the Federal Board of Vocational Education, in promoting Trade and Industrial Education under the several Acts of Congress, the Fire Department Instructor shall charge a fee of Ten Dollars (\$10.00) per day for the time actually employed in giving such instruction; such fees to be paid into the State Treasury by the municipalities serviced by the Fire Departments instructed; provided, that not more than one day shall be employed by the Fire Department Instructor, in each two year period, with any department in any City or Village having a population of less than 1,000 inhabitants, except upon the request of the Chief of the Department, or of the governing body of the City or Village serviced by such department.

§ 6. SUPERVISION AND REPORTS.] The Fire Department Instructor shall perform his duties under the supervision and direction of the State Supervisor of Trade and Industrial Education of the State of North Dakota, and if at any time his services shall prove unsatisfactory to such Supervisor, he may be dismissed from his duties as such Fire Department Instructor, and the vacancy thus created shall be filled as provided in Section 7 of this Act. He shall make such monthly reports of his activities as are required by the State Supervisor. He shall also report to the State Treasurer at least once each week the names of the fire departments visited, the names of the municipalities in which such departments are situated, the amount of time employed in each City or Village, and the amount of fees charged against each City or Village.

§ 7. VACANCIES. HOW FILLED.] In the event of a vacancy in the position of Fire Department Instructor, either by reason of his dismissal, resignation or for any other cause, such vacancy shall be filled by appointment by the same persons and in the same manner as provided for the original appointment under the provisions of Section 1 of this Act.

§ 8. ACT INOPERATIVE WHEN.] This Act shall be inoperative unless the State Board of Vocational Education make available from Federal funds, an amount equal to the amounts appropriated by Section 9 of this Act for the purpose of paying not less than one-half ( $\frac{1}{2}$ ) of the salary and traveling expenses, of such Fire Department Instructor, as by this Act provided.

§ 9. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Four Thousand Dollars (\$4,000.00) or so much thereof as may be necessary, for the purpose of paying the salary and expense of the Fire Department Instructor as by this Act provided, for the biennium beginning July 1, 1937, and ending June 30, 1939.

S. B. No. 42—(Committee on Appropriations)

#### REGIONAL FIRE SCHOOLS

An Act making an appropriation for the use and benefit of the North Dakota Firemen's Association in promoting regional fire schools, as provided for under Chapter 137, Session Laws of 1935; repealing all Acts or parts of Acts in conflict herewith.

V E T O

March 17, 1937

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

DEAR MR. SECRETARY:

I am herewith transmitting to you Senate Bill No. 42, which I have disapproved, entitled "An Act making an appropriation for the use and benefit of the North Dakota Firemen's Association in promoting regional fire schools, as provided for under Chapter 137, Session Laws of 1935; repealing all Acts or parts of Acts in conflict herewith."

My reason for disapproving this enactment is that there is sufficient money in the fund for maintaining the Insurance Department of the State of North Dakota to be used in support of this appropriation, to which department the Fire Marshal's office has been transferred.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

*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 \$4,000.00, or so much thereof as may be necessary for the use and benefit of the North Dakota Firemen's Association, to be disbursed by State Auditors warrants on vouchers approved by the Secretary of the North Dakota Firemen's Association and audited by the State Auditing Board, for the purpose of holding regional fire schools, according to the rules and regulations of such association, and as provided for under Chapter 137, Session Laws of 1935, for the biennium beginning July 1st, 1937, and ending June 30th, 1939.

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

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S. B. No. 70—(Committee on Taxes and Tax Laws)

INCOME TAX ACT

An Act providing for and relating to the taxation of individuals, fiduciaries and corporations; prescribing the rates which shall be paid with respect to net income as defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts amendatory thereof; providing when losses may be deducted; providing for exemptions and credit upon tax; providing for date of effect and to amend and re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to amend and re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 283, Session Laws, 1931; providing for making the tax a lien; providing for Field Auditors; providing for the repeal of Paragraph "B" of Sub-section 4 of Section 6 of Chapter 283 of the 1931 Session Laws; making a saving clause and declaring an emergency.

V E T O

March 16, 1937

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

DEAR MR. SECRETARY:

I am herewith transmitting to you Senate Bill No. 70, entitled "An Act providing for and relating to the taxation of individuals, fiduciaries and corporations; prescribing the rates which shall be paid with respect to net income as defined in Article 35 of Chapter 34 of the Political Code of the Supplement to the Compiled Laws of 1913 and Acts amendatory thereof; providing when losses may

be deducted; providing for exemptions and credit upon tax; providing for date of effect and to amend and re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to amend and re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Sub-section 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 283, Session Laws, 1931; providing for making the tax a lien; providing for Field Auditors; providing for the repeal of Paragraph "B" of Sub-section 4 of Section 6 of Chapter 283 of the 1931 Session Laws; making a saving clause and declaring an emergency," the emergency clause of which did not carry.

I am hereby disapproving this bill for the reason that Senate Bill No. 5, enacted by the Extraordinary Session of the Twenty-fifth Legislative Assembly of the State of North Dakota, carries an emergency clause and has been approved by me.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. INCOME TAX: GRADUATED RATE.] A tax is hereby imposed upon every resident of North Dakota, which tax shall be levied, collected and paid annually with respect to his entire net income as defined in Article 35 of Chapter 34 of Political Code being Sections 2346a1 to 2346a50 inclusive of the Supplement to the Compiled Laws of 1913 and Acts amendatory thereof; computed at the following rates:

On all net incomes, above exemptions, and not in excess of \$2,000.00, a tax of 1%.

On all net incomes in excess of \$2,000.00, above exemptions and not in excess of \$4,000.00, a tax of 2%.

On all net incomes in excess of \$4,000.00, above exemptions and not in excess of \$5,000.00, a tax of 3%.

On all net incomes in excess of \$5,000.00, above exemptions and not in excess of \$6,000.00, a tax of 5%.

On all net incomes in excess of \$6,000.00, above exemptions and not in excess of \$8,000.00, a tax of 7½%.

On all net incomes in excess of \$8,000.00, above exemptions and not in excess of \$10,000.00, a tax of 10%.

On all net incomes in excess of \$10,000.00, above exemptions and not in excess of \$15,000.00, a tax of 12½%.

On all net incomes in excess of \$15,000.00, above exemptions 15%.

§ 2. AMENDMENT.] That Sub-section 4, Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as

amended by Chapter 283, Sessions Laws, 1931, be amended and re-enacted to read as follows:

§ 2346a18. LOSSES: WHEN DEDUCTED.] (4) No losses shall be deducted from the fixed income of the taxpayer derived from salaries, wages, or taxable dividends, but losses actually sustained in the carrying on of any trade or business, sustained within the year and not compensated by insurance or otherwise, may be deducted, provided further that no loss may be allowed in the sale of property purchased and held for pleasure or recreation and which was not acquired or used for profit, but this proviso shall not be construed to exclude losses due to theft or the destruction of property by fire, flood, or other casualty, or a loss sustained in any sale of the residence of the taxpayer. In the case of a taxpayer other than a resident of the State, losses shall be allowed only as to transactions in real property or in tangible personal property having an actual situs, in this State, and losses in connection with any business, trade, profession or occupation carried on in this State. Provided, however, that the aggregate amount which may be deducted in connection with losses incurred in connection with sale or exchange of capital assets shall not exceed the aggregate gains reported from the sale or exchange of capital assets in any year.

(2) Losses sustained from the operation or conducting of any farming or agricultural pursuit sustained within the year and not compensated for by insurance; providing, however, that the person claiming such deduction must have been the record owner of the land on which the loss accrued for at least one year prior to claiming the deduction. Provided, however, that no deduction for loss sustained from any farming or agricultural pursuit as provided in this Section shall exceed the total sum of \$500.00.

§ 3. EXEMPTION.] (a) For the purpose of the tax on individuals, there shall be deducted from the tax due, the following exemptions:

(1) In the case of a single individual, an exemption of \$500.

(2) In the case of a head of a family or married individual living with husband or wife, a personal exemption of \$1,500.00. A husband and wife living together shall receive but one personal exemption of \$1,500.00 against their aggregate net income; and in case they make separate returns, the personal exemption of \$1,500.00 may be taken by either or divided between them.

(3) Two Hundred Dollars for each individual (other than husband or wife) dependent upon and receiving his chief support from the taxpayer, if such dependent individual is under eighteen years of age or is incapable of self support because mentally or physically defective or incapacitated, provided that exemptions may be claimed for children over the age of eighteen years and under

the age of twenty-one years that are dependent upon the taxpayer for support and are attending educational institutions.

(b) For the purpose of the tax on fiduciaries, there shall be deducted:

(1) If taxable under Article III, Section 14 (a) (Section 2346a13a, ante), a personal exemption of \$500.

(2) If taxable under Article III, Section 14 (b) (Section 2346a13b, ante), same exemption as would be allowed to deceased if living.

(3) If taxable under Article III, Section 14 (c) (Section 2346a13c, ante), the same exemption to which the beneficiary would be entitled.

(c) If the status of the taxpayer insofar as it affects the personal exemption or credits for dependents, changes during the taxable year, the personal exemption and credits shall be apportioned in accordance with the number of months before or after such change.

§ 4. CREDIT ON TAX.] A credit shall be allowed against the amount of tax computed to be due and payable by any taxpayer under this Act, to the extent of the tax which has been assessed against and paid by a corporation under this Act on income which is represented by dividends on stock in said corporation, received by the taxpayer and included in his gross income within the income year; provided that when only part of the income of any corporation shall have been assessed and income tax paid under this Act, only a corresponding amount of tax shall be deducted; and provided further that such corporation has reported the name and address of each person owning stock and the amount of dividends paid each such person during the year.

§ 5. AMENDMENT.] That Section 2346a23 and Section 2346a25 of the Supplement to the Compiled Laws of 1913 is amended and re-enacted to read as follows:

§ 2346a23. TIME AND PLACE OF FILING RETURNS AND PAYMENTS OF TAX DUE.] Returns shall be in such form as the Tax Commissioner may from time to time prescribe, and shall be filed with the Tax Commissioner at his office in Bismarck, North Dakota. Returns shall be made on or before the fifteenth day of the third month following the close of the fiscal year, or if the return is made on the basis of the calendar year, then the return shall be made on or before the fifteenth day of March. Providing, however, that the time for filing of calendar year returns for the year 1936 be extended to April 15, 1937. The Tax Commissioner may grant reasonable extension of time for filing reports, when in his judgment good cause exists. There shall be annexed to the return an affidavit or affirmation of the taxpayer making the return to the

effect that the statements contained therein are true. The Tax Commissioner shall prepare blank forms for said returns and shall cause them to be distributed throughout the State, but failure to receive or secure a form shall not relieve the taxpayer from making a return. The taxpayer shall compute the amount of tax due under his return and shall attach thereto a check, draft or money order, payable to the State Treasurer, Bismarck, North Dakota, for the amount of tax as so computed. Provided, that if the total tax exceeds Ten (\$10.00) Dollars, that the payments may be made in quarterly installments, and if paid in installments, the first installment shall be paid at the time fixed by law for filing the return; and second installment shall be paid on the fifteenth day of the third month; the third installment on the fifteenth day of the sixth month; and the fourth installment on the fifteenth day of the ninth month after the time fixed by law for filing the return.

§ 2346a25. ANNUAL TAX.] A tax is hereby levied for the year ending December 31, 1936, and annually thereafter upon the net income of every domestic and foreign corporation received from sources described in Article 2, Sections 7 and 8. Said tax, which shall be levied, collected, and paid annually with respect to such net income, shall be computed at the following rates:

On all net incomes not in excess of \$1,000.00 a tax of 3%.

On all net incomes in excess of \$1,000.00 and not in excess of \$3,000.00 a tax of 4%.

On net incomes in excess of \$3,000.00 and not in excess of \$8,000.00 a tax of 5%.

On net incomes in excess of \$8,000.00 and not in excess of \$15,000.00 a tax of 6%.

On net incomes in excess of \$15,000.00 a tax of 7½%.

§ 6. LIEN OF TAX — COLLECTION — ACTION AUTHORIZED.] Whenever any taxpayer liable to pay a tax and/or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto shall be a lien in favor of the State of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied.

In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a County, the Tax Commissioner shall file with the Register of Deeds of the County in which said property is located, a notice of said lien.

The Register of Deeds of each County shall prepare and keep

in his office a book to be known as "Index of Tax Liens," so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

- (1) The name of the taxpayer.
- (2) The name 'State of North Dakota' as claimant.
- (3) Time notice of lien was received.
- (4) Date of notice.
- (5) Amount of lien then due.
- (6) When satisfied.

The Register of Deeds shall indorse on each notice of lien the day, hour, and minute when received and preserve the same, and shall forthwith index said notice in said index book and shall forthwith record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the recording thereof.

The Tax Commissioner shall pay a recording fee as provided by law for the recording of such lien, or for the satisfaction thereof.

Upon the payment of a tax as to which the Tax Commissioner has filed notice with the Register of Deeds, the Tax Commissioner shall forthwith file with said Register of Deeds, a satisfaction of said tax and the Register of Deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The Attorney General shall, upon the request of the Tax Commissioner, bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and/or penalties, and in such action he shall have the assistance of the State's Attorney of the County in which the action is pending.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the Tax Commissioner or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

The technical, legal requirements outlined in this Section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest, and other costs, are self-explanatory.

§ 7. DATE OF EFFECT.] This Act shall be effective on all income received during the year ending December 31, 1936, as provided in this Act.

§ 8. FIELD AUDITORS.] To provide for the enforcement and administration of this Act, the State Tax Commissioner is hereby authorized to appoint not more than four Field Auditors at a salary not to exceed \$150 per month and actual expenses when away from

home. Such Auditors to be versed in the knowledge of income tax and to have had at least three years' experience in the examination and auditing of books of account. All expenses incurred in complying with the provisions of this Section shall be deducted from the monies collected under this Act.

§ 9. SAVING CLAUSE.] Should the Courts of this State or of the United States declare any of the provisions of this Chapter unconstitutional, illegal or void, such decision shall not invalidate any other provision herein contained.

§ 10. REPEAL.] That Paragraph (b) of Sub-section 4 of Section 6, of Chapter 283 of the 1931 Session Laws and all other Acts or parts of Acts in conflict herewith are hereby repealed.

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H. B. No. 15—(Peterson of Renville, Morland, Bjornson and Ritter)

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**LEGALIZING GAS AND OIL AS FUEL FOR PUBLIC BUILDINGS**

**An Act to encourage the investment of moneys in the State of North Dakota, and to encourage the development of the natural resources of this State, and to provide a market for the gas and oil deposits in the State, including those owned by the State of North Dakota, and the Counties thereof, and to permit the marketing of such natural resources by selling natural gas and oil to the State, County, and School Districts, upon condition that the seller purchase from actual production or produce in this State an amount of gas or oil at least equivalent to the amount it delivers to said State, County and School District buildings, and requiring such sellers to make reports of its sale and purchases and production, under oath, and providing a penalty for violation thereof, and repealing Acts in conflict herewith.**

V E T O

March 20th, 1937.

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

DEAR MR. SECRETARY:

I am herewith transmitting to you House Bill No. 15, which I have disapproved, entitled "An Act to encourage the investment of moneys in the State of North Dakota, and to encourage the development of the natural resources of this State, and to provide a market for the gas and oil deposits in the State, including those owned by the State of North Dakota, and the Counties thereof, and to permit the marketing of such natural resources by selling natural gas and oil to the State, County and School Districts, upon condition that the seller purchase from actual production or produce in this State an amount of gas or oil at least equivalent to the amount it delivers to said State, County and School District buildings, and

requiring such sellers to make reports of its sale and purchases and production, under oath, and providing a penalty for violation thereof, and repealing Acts in conflict herewith."

For twenty-five years this State has gone to much expense in developing the lignite coal industry. After years of litigation, fair railroad rates were secured. It is conceded that over eleven hundred coal miners and their families are supported by this industry. Engineers, firemen and railroad employees generally are engaged in the transportation of coal.

I am of the opinion that House Bill No. 15, if allowed to become a law, is detrimental to our lignite industry in the State of North Dakota, and for that reason I am hereby disapproving the same.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. Natural gas and oil taken from production or produced in the State of North Dakota, may be used for fuel in State, County, and School District buildings in this State, when such fuel can be obtained at prices, which will result in advantage to the taxpayers thereof.

§ 2. Natural gas and oil may be purchased as aforesaid for fuel in State, County and School District buildings if the seller or carrier shall, during the period gas and oil is furnished, deliver the same for any North Dakota producer into pipe lines for sale and consumption an equivalent amount of natural gas or oil, and such further amounts as may be ordered by the Board of Railroad Commissioners; subject to government regulations and merchandising requirements of sellers in the development of gas and oil fields; as provided hereafter, and shall accept the terms, conditions, and obligations imposed as set forth in this Act; such acceptance shall be filed with the Board of Railroad Commissioners and the State Geologist.

§ 3. All persons selling gas or oil under the provisions of Section 2 hereof, shall make monthly reports under oath, to the Board of Railroad Commissioners, and shall file duplicate copies with the State Geologist, showing the amount of gas or oil sold under the provisions hereof, and the amount purchased or produced in this State, and such reports shall be accessible to all persons having jurisdiction of the matter of the payment therefor; as soon as said bills are rendered.

§ 4. It shall be unlawful to sell natural gas or oil to State, County or School Districts in this State, without complying with the provisions of this Act.

§ 5. The Board of Railroad Commissioners may, from time to time, request the aid and assistance of a qualified representative of the Bureau of Mines of the United States to supervise the abandonment of wells, or the extinguishment of fires, and it may, from time to time request the field superintendent of any company or any operator, operating in the same field to aid in the supervision of the abandonment of wells or the extinguishment of fires and in taking effective measures properly to accomplish said purposes, but no such persons shall receive from the State of North Dakota any compensation for or on account of such services. This Act shall be administered by said Board of Railroad Commissioners by and through its Engineer or Engineers, and its Inspector or Inspectors, without any cost and expense to the State of North Dakota in addition to the regular biennial appropriation made for said Board and its ex-officio Commissions.

§ 6. That the Board of Railroad Commissioners of the State of North Dakota are hereby authorized and directed, after hearing held upon due notice to all interested parties, promulgate such further rules and orders as it may deem proper, just and equitable, so long as the same are not inconsistent with or contrary to the laws of the United States or the rules and regulations promulgated by the Bureau of Mines or by the Secretary of the Interior of the United States, pursuant to Act of Congress, approved February 25, 1920 (Public 146).

§ 7. COMPLAINTS, ORDERS, DECISIONS, APPEALS.] In all respects in which the Board of Railroad Commissioners has power and authority under this Act, application and complaints may be made and filed with it and notices issued thereon, hearing held, opinions and decisions made and filed, petitions for oral argument and/or rehearing filed and acted upon and appeals from such orders and decisions may be taken by any party to the District Court of the County where such hearing was held unless otherwise provided for in this Article, in the same manner and under the same terms and upon the same conditions provided for by Sections 4609c1 to 4609s56 inclusive, Supplement to the 1913 Compiled Laws of North Dakota.

§ 8. This Act is supplementary to powers of the Railroad Commission, and not restrictive to any powers and duties such Board now has under existing laws of this State.

§ 9. Any persons violating the provisions of this Act shall not be permitted to recover the purchase price for any gas or oil sold in violation of the provisions hereof, and such violation shall be deemed sufficient cause for the cancellation of such contracts.

§ 10. REPEAL.] All Acts and parts of Acts in conflict herewith, to the extent of such conflict, are hereby repealed.

## S. B. No. 91—(Aasen)

## LOTTERY DEFINED

An Act to amend and re-enact Section 9660 of the Compiled Laws of 1913 defining a lottery.

## V E T O

March 17th, 1937.

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

DEAR MR. SECRETARY:

I am herewith transmitting to you Senate Bill No. 91, which I have disapproved, entitled "An Act to amend and re-enact Section 9660 of the Compiled Laws of 1913 defining lottery."

I disapprove this bill because the present laws of the State of North Dakota dealing with lotteries are entirely adequate.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. AMENDMENT.] Section 9660 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 9660. LOTTERY DEFINED.] A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid or promised or agreed to pay any valuable consideration for the chance of obtaining such property or portion of it, or for any share of or interest in such property upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, a raffle, or a gift enterprise, or by any or whatever name the same may be known; and any scheme or arrangement whereby a chance of so obtaining such property, or any portion thereof or interest therein, is given with, or upon the consideration of, the purchase, or agreement to purchase, of any article or thing whatsoever, or any ticket or admission to any theatre, dance, entertainment or place of entertainment, shall be deemed a lottery.

## S. B. No. 56—(Committee on Appropriations)

## MAYVILLE NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Normal School, Mayville, North Dakota.

## V E T O

February 25th, 1937.

Members of the Senate,  
Twenty-fifth Legislative Assembly.

## GENTLEMEN :

I am herewith returning without my approval Senate Bill 56, an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School at Mayville, North Dakota.

May I not state that I sincerely regret the action of your body in failing to provide the necessary revenue to maintain the governmental functions of our State? All of us are very familiar with the fact asserted by State Treasurer John Gray that North Dakota has only a very small sum of cash on hand. In addition to the tax on real property, the two per cent sales tax and some smaller miscellaneous sources of revenue, it is well known that the taxpayers were looking to the enactment of an income tax measure.

To raise funds to meet the amount of money appropriated, it was essential to enact the emergency clause upon Senate Bill 70, providing for an income tax. This, your Honorable Body has refused to do. The vote on the emergency clause was ayes, 28; nays, 19; absent and not voting, 2. As it takes two-thirds of the members present and voting to enact an emergency clause, none was attached, with the result that a comparatively small group of citizens can refer the measure and prevent its going into effect upon July 1st.

Two years ago the income tax law then passed was referred, and I have already been informed that similar procedure is contemplated for this income tax law, which will not go into effect until July 1st. By the enactment of the emergency clause, the income tax law would have been in full force and effect, even if it was referred, until the people of North Dakota voted upon it, with the result that money would have been available with which to meet the expenses of maintaining our government.

You have appropriated many more millions of dollars than can possibly be paid by the sales tax. To the sales tax you enacted an emergency measure. The sales tax is essentially a tax upon the poor. It taxes the necessities of life; the bread, the milk, the butter, the eggs, the clothing needed by poor people. The sales tax is an emergency tax, and has always been considered as such in North Dakota.

The income tax is not an emergency tax. It is one of the fairest taxes in existence, because it taxes the taxpayer upon the amount of money that he makes. What tax could be fairer? As long as I am governor, gentlemen, it will never be said that I signed one measure taxing the poor and another measure allowing the rich to evade their just share of taxation.

In vetoing this bill I wish to make it plain that I have no personal enmity toward the State Normal School at Mayville, North Dakota, because I am also vetoing Senate Bill 55, providing appropriation for the State Normal School at Valley City, North Dakota; and I might as well state now that other vetoes of appropriations are going to follow.

Now, as well as at any other time, let the issue be clear to the people of this State that it is the policy of this administration to provide for the poor, the needy, the crippled, the aged, the blind and the destitute; that the feeble-minded and the insane will be taken care of; that we will take care of the rural schools; but that the institutions of higher learning, wherever they may be situated, will receive no funds with my concurrence until a just tax such as the income tax places a fair share of taxation upon the rich and wealthy, and to that extent lessens the burden upon the poor and the needy.

For the reasons above stated, I therefore disapprove of Senate Bill 56; and also wish to call your attention to the fact that there is apparently a clerical error of Three Thousand Dollars in subtraction on page two of the measure, which should be corrected in case you override my veto.

Respectfully,

WILLIAM LANGER,

Governor.

WL:JEB.

*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 \$128,837.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School at Mayville, North Dakota, for the biennium beginning July 1st, 1937, and ending June 30th, 1939, to-wit:

SALARIES AND WAGES:

1. Administration .....	\$ 10,331.00
2. Faculty .....	92,000.00
3. Other Employees .....	16,482.00
4. Salary Adjustments, 1935-37.....	5,166.00
5. Salary Adjustments, 1937-39.....	3,719.00
(To be applied on salaries under \$2,000.00)	

## OPERATING EXPENSE:

1. Fuel (including freight).....	14,500.00
2. Light, Power, Water, Gas.....	7,000.00
3. Telephone, Telegraph, Postage.....	2,000.00
4. Freight and Express.....	800.00
5. Insurance, Bonds, etc.....	2,439.00
6. Printing—Including Bulletins.....	1,000.00
7. Travel.....	300.00
8. Office Supplies—Including Stationery....	600.00
9. Educational Supplies.....	2,000.00
10. Power House Supplies.....	1,000.00
11. Janitors' Supplies.....	1,200.00
12. Students' Welfare, Hospitalization and Medical Service.....	1,000.00
13. Library Supplies.....	300.00
14. Extension.....	2,000.00
15. Car, Truck, Bus Maintenance.....	1,500.00
16. City Practice Teaching.....	1,000.00
17. Rural Practice Teaching.....	1,000.00
18. Grounds.....	200.00
19. Miscellaneous.....	200.00

TOTAL MAINTENANCE.....	\$167,737.00
Less estimated income, all sources...	47,500.00

NET MAINTENANCE.....	\$123,237.00
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## IMPROVEMENTS AND REPAIRS:

1. Plumbing, Heating, Ventilating.....	800.00
2. General Repairs.....	1,000.00
3. Painting—General.....	300.00
4. Blower and Insulation for Boilers.....	350.00
5. Rewiring and New Plumbing—West Hall	1,000.00

## EQUIPMENT:

1. Replacement Equipment.....	1,000.00
2. Typewriters.....	500.00
3. Library Books and Periodicals.....	2,000.00
4. Filing Equipment.....	100.00
5. Physical Education.....	100.00
6. New Equipment—Class Rooms and Offices	100.00
7. Replacement—Furniture and Rugs.....	250.00
8. Science Equipment.....	300.00
9. Replacement—Car and Truck.....	600.00

## MISCELLANEOUS ITEMS:

1. Items Not Budgeted.....	200.00
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TOTAL.....	\$128,837.00
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H. B. No. 299—(Schauss, Odegard, Olson of Adams)

**ESTABLISHMENT OF POLITICAL PARTIES**

An Act to amend and re-enact Section 860 of the Compiled Laws of North Dakota for the year 1913; and repealing all Acts or parts of Acts in conflict herewith.

V E T O

March 17th, 1937.

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

DEAR MR. SECRETARY:

I am herewith transmitting to you House Bill No. 299, which I have disapproved, entitled "An Act to amend and re-enact Section 860 of the Compiled Laws of North Dakota for the year 1913; and repealing all Acts or parts of Acts in conflict herewith."

My reason for disapproving this bill is on the ground that the present election laws make adequate provision for any election, without the confusion which this measure might entail.

Yours very truly,

WILLIAM LANGER,

Governor.

WL:JEB.

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

§ 1. AMENDMENT.] Section 860 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 860. Any citizen otherwise eligible by law, affiliated with or representing the principles enumerated in the platform of the following parties, are eligible to nomination under this article: The Republican party, the Democratic party, or any party designation that cast five per cent of the votes cast for Governor at the last general election. Provided further that whenever a petition signed by fifteen thousand (15,000) or more voters of the State is filed with the Secretary of State on or before May 20th of any primary election year asking that ballots be provided for a further party and naming such party and stating the platform principles thereof, ballots therefor shall be provided and citizens with such party may vote such ticket at the following primary election and candidates thereof shall be entitled to the same rights and privileges as those of other parties.

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

## S. B. No. 22—(Blaisdell)

## INTEREST RATES PUBLIC DEPOSITS

An Act amending and re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

## V E T O

March 17th, 1937.

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

DEAR MR. SECRETARY:

I am herewith returning Senate Bill No. 22, with my disapproval, entitled "An Act amending and re-enacting Section 2 of Chapter 222 of the Session Laws of 1931."

I am disapproving this bill for the reason that this regulation would do material harm to the smaller banks of the State, particularly to those in the Western part of North Dakota.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 222 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 2. § 714a13. INTEREST RATES.] The rate of interest on all public funds deposited as herein provided shall not exceed two per cent on daily balances subject to check or draft credited monthly, and shall not exceed four per cent on time deposits, nor be less than the prevailing rates of the Bank of North Dakota, except as prohibited by regulations of the Federal Deposit Insurance Corporation or the Federal Reserve Board. It is the intention of this Act that depositors of public funds in this State shall receive not less than the rate of interest obtainable from the Bank of North Dakota.

## H. B. No. 77—(Committee on Appropriations)

## PUBLIC DOCUMENTS

An Act making an appropriation to the Secretary of State for the payment of the cost of printing the 1933-1934 Public Documents, and declaring an emergency.

## V E T O

March 4th, 1937.

Members of the House of Representatives,  
Twenty-fifth Legislative Assembly.

## HONORABLE MEMBERS:

I herewith return H. B. 77, Making an Appropriation to the Secretary of State for the Payment of the cost of printing the 1933-1934 Public Documents, and Declaring an Emergency, without my approval, for the following reasons:

The bill was allowed by the Printing Commission on April 17th, 1936, and not paid for lack of funds, and the order for printing, ostensibly given in the year 1933 by former State Printer, George E. Munger, was not approved for payment until October 24th, 1936.

Neither the Twenty-third nor the Twenty-fourth Legislative Assemblies appropriated any money with which to pay the same. At the present time, according to State Treasurer John Gray, the State is without any ready cash. Only this morning the State Auditor, Berta E. Baker, borrowed money with the advice and consent of the State Auditing Board, so there would be sufficient money on hand to pay the members of the Legislature their per diem and traveling expenses in order that they may return home.

Because of the financial condition of the Treasury I am hereby returning this bill unsigned.

Respectfully,

WILLIAM LANGER,

Governor.

WL:JEB.

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

§ 1. APPROPRIATIONS.] There is hereby appropriated to the Secretary of State out of any moneys in the State Treasury, not otherwise appropriated, the sum of Nine Hundred Twenty-eight Dollars and Fifty-three Cents (\$928.53) for the purpose of paying to the Knight Printing Company of Fargo, North Dakota, the cost of printing the 1933-1934 Public Documents, for the printing of which no appropriation was made by the Twenty-third and Twenty-fourth Legislative Assemblies and which Documents the Secretary of State was directed by law to publish.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval.

H. B. No. 179—(Traynor and Stray)

RELIEF—FRAUDULENT REPRESENTATION

An Act making it unlawful to obtain or attempt to obtain relief by false and fraudulent representation.

V E T O

March 16th, 1937.

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

DEAR MR. GRONNA:

I am herewith transmitting to you House Bill No. 179, entitled "An Act making it unlawful to obtain or attempt to obtain relief by false and fraudulent representation," which I have disapproved.

This measure is unnecessary, as the current statutes provide ample and sufficient protection against any situation which might arise under the provisions of this bill.

The bill might be used to intimidate needy people, and prevent them from securing necessary relief, and thus do more harm than good.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. Every person who knowingly obtains, or attempts to obtain, or aids or abets any person to obtain, or attempt to obtain money, food, clothing, medical or any other service from any County Welfare Board or any other relief agency sponsored by any governmental agency or any private or public charitable or benevolent agency, by a wilfully false statement or representation or by impersonation or other fraudulent device or by concealment of information as to property, money or credit which he may have, shall, upon conviction therefor, be fined not more than \$500.00 or be imprisoned for not more than one year in the State Penitentiary or County jail, or by both such fine and imprisonment, in the discretion of the Court. In imposing the penalty the Court shall take into consideration the value of the property or services received or attempted to receive.

§ 2. In the event that money, food, clothing, medical or other service is secured by such false statements, representations, impersonations or other fraudulent device or by concealment of information the County Welfare Board or other agency may by Court action recover back twice the value of the money, property or services actually received.

## H. B. No. 180—(Traynor and Stray)

## RIGHT OF RECOVERY OF RELIEF GRANTS

An Act to amend and re-enact Section 10 of Chapter 97 of the Session Laws of 1933 providing duty of relative to aid and right of recovery by County or County Welfare Board.

## V E T O

March 17th, 1937.

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

DEAR MR. SECRETARY:

I am herewith transmitting to you House Bill No. 180, which I have disapproved, entitled "An Act to amend and re-enact Section 10 of Chapter 97 of the Session Laws of 1933 providing duty of relative to aid and right of recovery by County or County Welfare Board."

In view of the existing statutes covering nonsupport and embracing this entire measure the law is unnecessary, and I hereby disapprove the same.

Yours very truly,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ 1. AMENDMENT.] Paragraph 10 of Chapter 97 of the Session Laws of North Dakota for the year 1933 is hereby amended and re-enacted to read as follows:

§ 10. DUTY OF RELATIVE TO AID. RIGHT OF RECOVERY BY COUNTY OR COUNTY WELFARE BOARD.] It is the duty of the father, the mother and the children of any poor person (or person in need of relief) who is unable to maintain himself by work, to maintain such person to the extent of their ability. The County (or County Welfare Board, may recover for necessaries furnished to an indigent person from his father, mother or adult children.

## S. B. No. 55—(Committee on Appropriations)

## VALLEY CITY NORMAL

An Act making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School at Valley City, North Dakota.

## V E T O

February 25th, 1937.

Members of the Senate,  
Twenty-fifth Legislative Assembly.

## GENTLEMEN:

I am herewith returning without my approval Senate Bill 55, an Act Making an appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

For the reasons stated in my veto of Senate Bill 56 I am disapproving also of this measure.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB.

*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 \$265,250.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School at Valley City, North Dakota, for the biennium beginning July 1st, 1937, and ending June 30th, 1939, to-wit:

## SALARIES AND WAGES:

1. Administration .....	\$ 16,805.00
2. Faculty .....	165,000.00
3. Other Employees .....	27,000.00
4. Salary Adjustments, 1935-37.....	10,590.00
5. Salary Adjustments, 1937-39, (To be applied on salaries under \$2,000.00).....	6,670.00

## OPERATING EXPENSE:

1. Fuel (including freight).....	33,200.00
2. Light, Power, Water, Gas.....	2,400.00
3. Telephone, Telegraph, Postage.....	3,000.00
4. Freight and Express .....	750.00
5. Insurance, Bonds, etc.....	4,110.00
6. Printing .....	1,500.00
7. Travel .....	400.00
8. Office Supplies .....	1,000.00

9.	Educational Supplies .....	6,000.00
10.	Power House Supplies .....	2,500.00
11.	Janitor's Supplies .....	3,000.00
12.	Students' Welfare .....	1,250.00
13.	Rural Training .....	5,500.00
14.	Trucks .....	600.00
15.	Miscellaneous Operating Expense.....	1,500.00

TOTAL MAINTENANCE .....	\$292,775.00
Less estimated income, all sources.....	80,000.00

NET MAINTENANCE .....	\$212,775.00
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## IMPROVEMENTS AND REPAIRS:

1.	General .....	5,000.00
2.	Heating Plant .....	1,500.00
3.	Grounds, Walks, Drives.....	1,000.00
4.	Rewiring and Lighting—Special.....	2,000.00
5.	Auditorium Storm Doors—Special.....	500.00
6.	Special Building Repairs—Special.....	7,500.00
7.	Plumbing—Special .....	2,000.00
8.	Window Stripping—Special.....	1,200.00

## EQUIPMENT:

1.	Library .....	3,500.00
2.	Furniture—Dormitory .....	500.00
3.	Furniture, Apparatus and Machinery.....	1,500.00
4.	Typewriter Contract Renewals .....	500.00
5.	Library Stacks .....	500.00
6.	Filing Equipment .....	500.00
7.	Boiler Replacement and Ash Conevyor.....	21,000.00

## MISCELLANEOUS ITEMS:

1.	Special Assessments .....	3,575.00
2.	Miscellaneous Items (not budgeted).....	200.00

TOTAL .....	\$265,250.00
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## S. B. No. 38—(Committee on Appropriations)

## VETERANS' SERVICE COMMISSIONER

An Act making an appropriation for the purpose of paying salary, clerk hire, travel and general expenses of the office of Veterans' Service Commissioner as prescribed by Chapter 281, Laws of 1927 and Chapter 74, Laws of 1929.

## V E T O

February 9th, 1937.

To the Members of the Senate,  
Twenty-fifth Legislative Assembly :

GENTLEMEN :

I herewith return Senate Bill 38 without my approval.

This bill is an appropriation in the sum of \$10,085.00 to pay salary, clerk hire, travel and general expense of the office of the Veterans' Service Commissioner, as prescribed by Chapter 281 of the Session Laws of North Dakota for the year 1927 and Chapter 74, Laws of 1929.

Said Chapter 281 of the Session Laws of 1927 provides that the Veterans' Service Commissioner shall be appointed by the Governor from a list of five men, furnished by the State Executive Committee of the American Legion, and to all practical purposes makes this an American Legion bill to the exclusion of the United Spanish American War Veterans, the Veterans of Foreign Wars of the United States, the National Guard of the State of North Dakota and the Disabled Veterans of the World War.

In spite of the barrage of letters and telegrams seemingly inspired by interested persons, together with two letters threatening political reprisals unless I sign this measure, I cannot conscientiously do so.

The American Legion has permitted a few men to speak for it, who have betrayed the fine, high ideals of that organization. The records show that these few individuals wrongfully assisted in the misappropriation of \$1,180.43 about the 20th day of September, 1935, from the funds of the National Guard, and used that money to finance a trip of the American Legion band to St. Louis, Missouri.

Not satisfied with wrongfully misappropriating this money, they got \$250.00 on the 21st day of September, 1935, from the State Mill and Elevator, to send the American Legion band to St. Louis, Missouri.

Not satisfied with misappropriating this money, they secured on the 18th day of September, 1936, for the purpose of sending the Grand Forks American Legion drum corps to Cincinnati, Ohio, the sum of \$750.00 more from the Mill and Elevator at Grand Forks.

These actions are all the more reprehensible because only four years ago I as Governor told these same men that the taking of

money from the National Guard Fund and from the Mill and Elevator was illegal, and personally assisted in raising \$1,500.00 in subscriptions from private individuals to pay the expenses of the American Legion band.

Because of the actions of these few men the Industrial Commission some two weeks ago instructed its legal department to institute suit against the former Acting Governor and others in charge of the National Guard and Mill and Elevator Funds, to recover this \$2,180.43, and to include the State Bonding Fund in these suits.

If the Legislature will amend and re-enact this measure, including Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929, and provide that the Veterans' Service Commissioner shall be appointed by the Governor of the State of North Dakota from one of three veterans selected by the Department Commander of the United Spanish War Veterans, Department of North Dakota; Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota; the Department Commander of the American Legion, Department of North Dakota; the Department Commander of Disabled Veterans of the World War, Department of North Dakota and the Adjutant General of the State of North Dakota, or a majority thereof, I shall be glad to approve the measure.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated the sum of \$10,085.00, or so much thereof as may be necessary, to pay salary, clerkhire, travel and general expenses of the office of Veterans' Service Commissioner as prescribed by Chapter 281, Session Laws of North Dakota for 1927, and Chapter 74, Session Laws of North Dakota for 1929, for the biennium beginning July 1st, 1937, and ending June 30th, 1939, to-wit:

Salary .....	\$ 4,800.00
Clerkhire:	
Secretary .....	2,160.00
Extra Clerk .....	600.00
Postage .....	600.00
Office Supplies .....	300.00
Furniture and Fixtures .....	150.00
Printing .....	75.00
Miscellaneous .....	300.00
Travel Expense .....	800.00
Rent .....	300.00
TOTAL .....	\$ 10,085.00