

## VETOES

H. B. No. 776  
(Bentz and Robinson)

ASSESSMENT OF PROPERTY AT FULL VALUE  
AN ACT

To amend and reenact section 57-0227 of the North Dakota Revised Code of 1943 relating to the assessment of property at its full value.

VETO

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarek, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 776, a bill relating to the assessment of property.

This bill amends the existing law by providing for the assessment of mineral rights when severed from the surface ownership of land.

Section 57-4901 of the 1949 Supplement to the Revised Code of 1943 provides for a tax of three cents per acre "for the privilege of holding mineral rights in real property when severed from the surface rights therein". This is being contested in the courts of our state at the present time. The decision of the case now before the courts may have a bearing on House Bill 776.

Because of the great interest shown in the exploration for oil in North Dakota, a Senate Resolution was adopted requesting the Legislative Research Committee to "undertake a study of the field of taxation, regulation, and conservation in relation to mineral resources, particularly oil" and make recommendations to the next legislative assembly. I believe the subject matter of this bill can be more adequately cared for after such recommendations have been made.

I therefore veto this bill.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1. AMENDMENT.) Section 57-0227 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0227. Property To Be Assessed At Full Value. All property subject to taxation based on the value thereof shall be as-

essed at its true and full value in money. In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but he shall value each article or description by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract, or lot of real property, there shall be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. When the ownership of any minerals has been severed from the ownership of the overlying strata the same shall be valued at such a price as such property would sell for at a fair voluntary sale for cash or in lieu thereof, the rentals may be capitalized at five per cent per annum where such such severed minerals are under lease.

Filed March 14, 1951.

S. B. No. 202  
(Committee on Agriculture)

**CERTIFICATES OF PUBLIC CONVENIENCE BY APPLICANT  
FOR LICENSE TO ESTABLISH LIVESTOCK SALES  
RING OR MARKET**

**AN ACT**

To require a certificate of public convenience and necessity to be obtained by an applicant for a license to establish a livestock sales ring or market, providing requirements of application and showing to be made, notice of hearing and hearing, providing license fee, and declaring an emergency.

**VETO**

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill 202. Chapter 36-05 of the North Dakota Revised Code of 1943 sets forth the conditions and regulations under which livestock sales rings may be licensed by the Public Service Commission. Adequate safeguards as to financial responsibility, proper facilities and

sanitary conditions for the handling of livestock are provided for in it. Besides under section 36-0506 of this chapter broad powers are given to the Commission in the matter of granting, renewing or even revoking licenses of sales rings, this upon the Commission's own motion or upon complaint by any person. I believe the public, the producer and the sales ring operator are protected under the laws now in effect and do not think at this time that legislation which would require certification of public convenience and necessity to establish a livestock sales ring as Senate Bill 202 proposes is necessary.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1.) No person, partnership, firm or corporation shall hereafter establish a livestock sales ring or market in the state of North Dakota without first having obtained from the commission, under the provisions of this Act, a certificate declaring that public convenience and necessity require such operation and a license. Any person making application for such certificate shall do so in writing, verified by the applicant, and specifying the following matters:

1. The name and address of the applicant, and the names and addresses of its officers, if any;
2. The place where applicant proposes to operate a livestock market;
3. A complete and detailed description of the property and facilities proposed to be used in connection with such livestock market;
4. The commissions or charges applicant proposes to impose on the owners of livestock for services rendered to them by applicant in the operation of such livestock market;
5. A detailed statement showing the assets and liabilities of applicant;
6. A detailed statement of the facts upon which applicant relies showing public convenience and necessity for such livestock market, including the anticipated revenue from inspection fees that may be derived therefrom by the state of North Dakota;
7. Such other or additional information as the commission may require; and
8. Such application shall be accompanied by a fee of one hundred dollars (\$100.00) which shall also be considered the first annual license fee, if such application is granted.

§ 2.) Upon the filing of such application, the commission

shall fix a time and place for hearing thereon, which shall not be less than ten (10) days after such filing. The commission shall cause a copy of such application and notice of hearing thereon to be served by mail upon (a) the operators of any other livestock markets that in the opinion of the commission might be affected by the granting of any such certificate; (b) the secretaries of the North Dakota Stockmens Association and the North Dakota Woolgrowers Association; (c) the secretary of the district livestock association, if any; (d) the secretary of the livestock association or associations, if any, at the place or within the vicinity of the proposed livestock market, if known to the commission; (e) the North Dakota Livestock Auction Association; and (f) upon any railroad company operating into or through any town or city in which the proposed livestock market will be located, at least ten (10) days before the date of hearing.

If, after hearing upon such application, the commission shall find from the evidence that public convenience and necessity require the authorization of the proposed livestock market, a certificate therefor shall be issued to the applicant. In determining whether or not public convenience and necessity require such livestock market, the commission shall give reasonable consideration to the service rendered by other existing livestock markets in the state and the effect upon them if the proposed livestock market is authorized, and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout twelve (12) months of the year.

§ 3.) The provisions of this Act shall not apply to existing sales rings now licensed and in operation prior to the enactment of this Act.

§ 4. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Filed March 14, 1951.

H. B. No. 723  
(Thompson, Jansonius, Hegge)

#### HOURS OF HUNTING GAME BIRDS AND PROTECTED ANIMALS

##### AN ACT

To amend and reenact section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the hours of hunting game birds and protected animals.

VETO

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 723

“relating to the hours of hunting game birds and protected animals.”

I have previously approved House Bill 641 which among other provisions authorizes the governor by proclamation to limit the time and manner of hunting all game birds. House Bill 723, although it does not amend the same section of the law as embodied in House Bill 641, yet it restricts the governor in his proclamation to the hours and manner of hunting upland game birds only.

Further House Bill 723, amending Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, permitting the hunting of game birds one half hour after sunset would tend to increase accidents and to cause loss of game birds.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1. AMENDMENT.) Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0106. HOURS OF HUNTING GAME BIRDS AND PROTECTED ANIMALS) No person during the time elapsing between one-half hour after sunset of one day and one-half hour before sunrise of the next day, shall hunt, pursue, catch, shoot at, or in any manner molest any game bird or protected animal within the borders of this state. The provisions of this section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by section 20-0105. The hours and manner of hunting upland game birds and game animals may be restricted further by a proclamation issued by the governor pursuant to the provisions of chapter 8 of this title.

Filed March 15, 1951.

H. B. No. 604  
(Baker)

REGULATING TRANSPORTATION, STORAGE AND  
INSTALLATION OF LIQUID PETROLEUM GAS AND LIQUID  
PETROLEUM GAS SYSTEMS

AN ACT

Relating to liquid petroleum gases, providing for the regulation of the transportation, storage, and installation of liquid petroleum gas and liquid petroleum gas systems; providing for permits; providing for fees; granting to the commissioner of insurance the right to promulgate and enforce minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, distributing, and utilizing liquid petroleum gases, and providing a penalty, and providing an appropriation therefor.

VETO

March 14, 1951.

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 604 "relating to liquid petroleum gases, providing for the regulation of the transportation, storage and installation of liquid petroleum gas and liquid petroleum gas systems" under the supervision of the insurance department.

There is serious question that this bill will permit the use of only one type of liquefied petroleum tank in this state, whereas other approved types are now used.

The provision regarding the transportation of tanks or cylinders probably conflicts with regulations of the Interstate Commerce Commission.

The intention is to promote the safe handling and installation of liquefied petroleum equipment. The State Fire Marshals' office has issued regulations which if followed are adequate; and if given publicity will give substantial protection to handlers and users until objections noted herein are corrected by future legislation if same is found necessary.

I therefore veto this bill.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1.) As used in this Act, unless the context or subject matter otherwise requires:

1. "Liquefied petroleum gas" means and includes any material which is composed predominately of any of the

following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous state, propane, propylene, normal butane or isobutane, and butylene;

2. "Gas" or "compressed or liquified gas" means and includes any inflammable compressed or liquified gas, other than acetylene, including liquified petroleum gases as defined in subsection 1 of this section;
3. "Approved containers" means and includes all vessels used for the transportation or storing of compressed or liquified petroleum gases, which vessels have been approved by the commissioner of insurance;
4. "Systems" means an assembly of equipment consisting essentially of the container or containers, major devices and appurtenances such as vaporizers, carburetors, relief valves, excess flow valves, and regulators, together with necessary interconnecting piping, but not including gas consuming appliances and their connections; and
5. "Portable containers" means any container designed or intended for periodic exchange by or on behalf of the consumer, but shall not include any container designed for permanent installation on the customer's premises or designed or intended for periodic refilling by tank truck.

§ 2.) No person, firm, or corporation without first obtaining a permit, shall, except for his own use:

1. Transport or haul any cylinder of compressed or liquified gases and then, only in approved containers in an upright position and in compliance with the regulations approved by the insurance commissioner; or
2. Engage in the business of installing, bottling, wholesaling, or servicing, or actually install or service any liquified petroleum gas systems.

§ 3.) The permit provided for in section 2 of this Act shall be obtained from the commissioner of insurance upon the filing of an application therefor and the payment of a fee of fifteen dollars. The applicant for such permit shall prove, by means of an examination given by the commissioner of insurance, that he has the necessary knowledge and competency to perform safely the services authorized to be performed under such permit. Each permit shall be valid only for the calendar year in which it is issued. All fees collected under the provisions of this Act shall be paid into the state treasury, and there placed in a special fund to be known as the liquid petroleum gas fund.

§ 4.) The deputy state fire marshal, subject to control by the commissioner of insurance, shall administer the provisions of this Act and employ such persons and purchase such equipment and incur such other expenses as may be necessary in connection with the administration of this Act. The commissioner of in-

insurance shall make and enforce regulations setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, distributing, and utilizing liquified petroleum gases, and shall specify the odorization of said gases and the degree thereof. Such regulations shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and equipment, and shall be in substantial conformity with the generally accepted national standards of safety concerning the same subject matter.

§ 5.) Portable liquified petroleum gas containers shall be filled only at places specifically designed and permanently constructed for that purpose, and which have been approved by the deputy state fire marshal. Each container shall be tagged or labeled with the following: CAUTION. Transport and Handle in Up-right position only and with cap attached. Do not drop.

§ 6.) No person, firm, or corporation shall sell any liquified petroleum appliances or equipment for use in the state of North Dakota unless such appliances or equipment have been approved for use by the commissioner of insurance, or bear the Underwriter Laboratories' Label.

§ 7.) Vaporizers used in connection with liquified petroleum gases shall be located on the outside of any building in which such gases are used, except those buildings devoted specifically to gas manufacturing or distributor operation. However, such vaporizers may be located in houses or sheds of fire resistive construction well ventilated from points near the floor and roof and vaporizers of not more than one quart capacity, in systems utilizing vaporation supplied without artificial means, may be installed inside the building if such vaporizers are located close to the point at which the pipe leading to the vaporizer enters such building.

§ 8.) After having been given notice to cease and desist from, and ten days time in which to correct any violation of the provisions of this Act, or any rules or regulations promulgated hereunder, any person who continues in such violation shall be fined not less than one hundred dollars nor more than five hundred dollars and the permit of such person shall be canceled.

§ 9.) The provisions of this Act shall not apply to any public utility operating under a certificate of convenience and necessity issued by the public service commission.

§ 10.) There is hereby appropriated out of any moneys in the liquid petroleum gas fund in the state treasury, for the purpose of covering the cost of administering this Act, such sums as shall be necessary, but not in excess of the sums realized in accordance with the provisions of section 3 of this Act.

Filed March 15, 1951.