
CONSTITUTIONAL AMENDMENTS DISAPPROVED

CHAPTER 432

NAME CHANGE OF AGRICULTURAL COLLEGE

Submitted by initiative petition providing for the amendment of section 215, subsection 3, of the Constitution of the state of North Dakota relating to changing and establishing the name of the North Dakota Agricultural College by omitting the words "The Agricultural College at the city of Fargo in the county of Cass" and adding the words "The North Dakota State University of Agriculture and Applied Science at the city of Fargo, in the county of Cass." so as to read as follows:

An Act amending the North Dakota Constitution, section 215, subsection 3, relating to change of the name from the Agricultural College at the city of Fargo, in the county of Cass, to that of the North Dakota State University of Agriculture and Applied Science to be located at the city of Fargo, in the county of Cass.

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

Third. The North Dakota State University of Agriculture and Applied Science at the City of Fargo, in the County of Cass.

Disapproved November 4, 1958.

86,719 to 111,043

Note: This measure was No. 4 on the general election ballot.

CHAPTER 433

ONE MILL LEVY FOR BUILDINGS AT INSTITUTIONS OF HIGHER LEARNING

House Concurrent Resolution "D-1", chapter 399, 1957 Session Laws, proposed by the 35th Legislative Assembly of the state of North Dakota, to provide for the amendment of the Constitution of the state of North Dakota relating to authorizing a levy of a tax of one mill for the purpose of creating a fund for the construction and improvement of buildings at state institutions of higher learning and the issuance of tax anticipation certificates, by adding thereto the following Article to the Amendments thereof:

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

SECTION 1. In addition to the levies authorized by section 174 of the Constitution, there shall be levied annually upon all the taxable property in the state of North Dakota beginning

with the year 1959 and ending in the year 1973, a tax of one mill for the purpose of creating a fund, subject to appropriation by the legislative assembly, for the construction of, and for improvements and additions to, buildings of state higher educational institutions. The legislative assembly shall be authorized to irrevocably pledge such fund and future levies for the fund for the payment of higher education building certificates and interest thereon. Issuance and sale of such certificates may be authorized by the legislative assembly in a total principal and interest amount not exceeding eighty percent of the anticipated tax yield of the tax levy provided in this section.

Disapproved November 4, 1958.

81,214 to 115,392

Note: This measure was No. 1 on the general election ballot.

CHAPTER 434

INITIATIVE, REFERENDUM, CONSTITUTIONAL AMENDMENTS, PUBLICITY PAMPHLET

House Concurrent Resolution "R", Chapter 400, 1957 Session Laws, proposed by the 35th Legislative Assembly of the state of North Dakota to provide for the amendment of sections 25 and 202 of the Constitution of the state of North Dakota, relating to the powers of initiative and referendum, and future amendments to the Constitution, by omitting the following words in section 25: "Ten thousand electors at large", "Seven thousands electors at large", "All measures submitted to the electors shall be published by the state as follows: "The secretary of state shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title, to be submitted at any election. Any citizen, or the officers of any organization, may submit to the secretary of state for publication in such pamphlet, arguments concerning any measure therein, upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the legislature, shall be the sum of two hundred dollars per page."", and adding the words "Ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election", "Seven percent of all the electors voting for the office of governor at the last preceding gubernatorial election", and by omitting the following words in section 202: "twenty thousand electors at large" and adding the words "ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election" so as to read as follows:

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

SECTION 25. The legislative power of this state shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the

polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the secretary of state not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven percent of all the electors voting for the office of governor at the last preceding gubernatorial election may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the secretary of state not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the secretary of state and shall be voted upon at any statewide election designated in the petition, or at a special election called by the governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the 30th day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency petition such measure shall be a law until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the electors at a special election if so ordered by the governor, or if the referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the governor, and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The secretary of state shall pass upon each petition, and if he finds it insufficient, he shall notify the "Committee for

the Petitioners" and allow twenty days for correction or amendment. All decisions of the secretary of state in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petitions, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title, which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "Committee of the Petitioners" and who shall represent and act for the petitioners.

The enacting clause of all measures initiated by the electors shall be: "Be it enacted by the people of the state of North Dakota". In submitting measures to the electors, the secretary of state and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the governor shall not extend to the measures initiated by or referred to the electors. No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

SECTION 202. Any amendment or amendments to the Constitution of the state may be proposed in either house of the

legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this Constitution.

Amendments to the Constitution of the state may also be proposed by an initiative petition of the electors; such petition shall be signed by ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election and shall be filed with the secretary of state at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment, or amendments so proposed, shall be submitted to the electors and become a part of the Constitution, if a majority of the votes cast thereon are affirmative. All provisions of the Constitution relating to the submission and adoption of measures by initiative petition, and on referendum petition shall apply to the submission and adoption of amendments to the Constitution of the state.

Disapproved November 4, 1958.

47,814 to 127,290

Note: This measure was No. 2 on the general election ballot.

CHAPTER 435

TERMS OF STATE AND COUNTY OFFICERS

House concurrent resolution "Z", Chapter 401, 1957 Session Laws, proposed by the 35th Legislative Assembly of the state of North Dakota to provide for the amendment of sections 71, 82, 110 and 173 of the Constitution of the State of North Dakota relating to terms of offices by omitting the following word in section 71: "two" and "." and adding the words "four" and ",", except that the governor elected in the November 1958 general election shall hold office for the term of two years and until his successor is elected and duly qualified." ; by omitting the following words in section 82: "three public service commissioners," , "; provided, however, the tax commissioner shall hold his office for the term of four years and until his successor is elected and duly qualified; and provided further, that the public service commissioners shall severally hold their offices for the term of six years and until their successors are elected and duly qualified. The tax commissioner shall be elected on a no-party ballot and he shall be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction. The first election of a tax commissioner shall not occur until the year 1940. At the general election in 1940 there shall be chosen two public service commissioners to fill the two terms expiring on the first Monday in January, 1941. The candidate at said election receiving the highest number of votes shall be elected for a term of six years, and the candidate receiving the next highest number of votes shall be elected for a term of four years. Thereafter there shall be chosen one such public service commissioner every two years." and adding the words "At the first general election after the adoption of this amendment, and every four years thereafter," , "when elected in the year 1958, but for the term of four years when elected thereafter," , "." and "As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years, who shall have attained the age of twenty-five years, shall have the qualifications of a state elector and shall hold office at the seat of government, and their respective successors shall be elected for like terms and under like conditions thereafter." ; by omitting the following word in section 110: "two" and "." and adding the words "four" and ",", except that such county judges elected in the 1958 general election shall each have a two-year term of office." ; and omitting the following word in section 173: "two" and adding the words "four" and "a county superintendent of schools," so as to read as follows:

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

SECTION 71. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of four years and until his successor is elected and duly qualified, except that the governor elected in the November 1958 general election shall hold office for the term of two years and until his successor is elected and duly qualified.

SECTION 82. At the first general election after the adoption of this amendment, and every four years thereafter, there shall be chosen by the qualified electors of the state at the times and

places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, an attorney general, a commissioner of agriculture and labor, and a tax commissioner, who shall have attained the age of twenty-five years and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of two years when elected in the year 1958, but for the term of four years when elected thereafter, and until their successors are elected and duly qualified; but no person shall be eligible for the office of treasurer for more than two consecutive terms.

The board of railroad commissioners shall hereafter be known as the public service commission and the members of the board of railroad commissioners as public service commissioners and the powers and duties now or hereafter granted to and conferred upon the board of railroad commissioners are hereby transferred to the public service commission.

As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years, who shall have attained the age of twenty-five years, shall have the qualifications of a state elector and shall hold office at the seat of government, and their respective successors shall be elected for like terms and under like conditions thereafter.

SECTION 110. There shall be established in each county a county court, which shall be a court of record open at all times and holden by one judge, elected by the electors of the county, and whose term of office shall be four years, except that such county judges elected in the 1958 general election shall each have a two-year term of office.

SECTION 173. At the first general election after the adoption of this amendment, and every four years thereafter, there shall be elected in each county, organized under the provisions of section 172 of the Constitution of the state of North Dakota, a county superintendent of schools, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and clerk of the district court, who shall be electors in the county in which they are elected and who shall hold office until their successors are elected and qualified; provided in counties having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having a population of six thousand or less the register of deeds shall also be clerk of the district court and county judge. The legislative assembly shall enact appropriate legislation to make this amendment effective at their first session after its adoption.

Disapproved November 4, 1958.

54,546 to 125,828

Note: This measure was No. 3 on the general election ballot.