

CONCURRENT RESOLUTIONS

CHAPTER 84.

[S. B. No. 39—Duncan]

JOINT RESOLUTION.

JOINT RESOLUTION Providing for the Payment of Certain Necessary Legislative Expenses.

Whereas, it is necessary that the members of the Legislature be provided with stationery, desk supplies, postage and necessary articles involving the expenditure of funds, and

Whereas, it is the custom of legislative bodies to provide for these necessary expenses in the transaction of the business of the Legislative Assembly; now therefore,

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the secretary of state be authorized and directed to furnish such supplies and postage to the legislative assembly upon the requisition of members of the Senate and House, the chief clerk of the House and the secretary of the Senate. The expense involved in the carrying out of this resolution is hereby authorized from the general fund of the state as a proper charge against legislative expense.

Approved January 21, 1911.

CHAPTER 85.

[S. B. No. 281—Bessesen]

CONCURRENT RESOLUTION.

CONCURRENT RESOLUTION for an Amendment to the Constitution of the State of North Dakota, Providing for the Recall of Public Officers by the People.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following Proposed Amendment to the Constitution of the State of North Dakota is Agreed to and Referred to the Legislative Assembly to be Chosen at the Next General Election in said State for the Approval, to be by Said Last Mentioned Legislative Assembly Submitted to the Qualified Electors of the State for Approval or Rejection, in Accordance with the Provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] The constitution of the state of North Dakota is amended by the addition of the following article:

Article..... Every public officer in North Dakota is subject as herein provided, to recall by the legal voters of the state or of the electoral district from which he is elected. There shall be required twenty-five (25) per cent, but not more, of the number of electors who voted in his district at the preceding election for justice of the supreme court to file their petition demanding his recall by the people. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within twenty days in his said electoral district to determine whether the people will recall said officer. On the sample ballot at said election shall be printed in not more than two hundred words the reason for demanding the recall of said officer as set forth in the recall petition, and in not more than two hundred words the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted for at said special election, the candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed or another. The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the

special election when it is required. No such petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after fifteen days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words "the legislative assembly shall provide," or any similar or equivalent words in this constitution or any amendment thereto shall not be construed to grant to the legislative assembly any exclusive power of law making nor in any way to limit the initiative and referendum powers reserved by the people.

CHAPTER 86.

[S. B. No. 84—Plain]

PROVIDING DIRECT LEGISLATION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Relating to the Legislative Department and Providing for Direct Legislation; the Proposing of Constitutional Amendments, and Reference of Laws.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following amendment to the constitution of the state of North Dakota be referred to the Legislative Assembly to be chosen at the next general election in said state and, if approved by the last named legislative assembly, the same be submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT TO THE CONSTITUTION.] That Section 25 of Article 2 of the constitution of the state of North Dakota is hereby amended to read as follows:

§ 25. The legislative authority of the state of North Dakota shall be vested in a legislative assembly consisting of a senate

and a house of representatives, but the people reserve to themselves the power to propose laws and amendments to the state constitution and to enact and approve or reject the same at the polls, except as to local or special laws, as enumerated in Section 70 of article 2 of this constitution, independently of the legislative assembly; and also reserve the power, at their own option, to approve or reject and annul at the polls any act, item, section or part of any act or measure passed by the legislative assembly except as to laws relating to appropriation of money, and except as to local or special laws, as enumerated in Section 70 of Article 2 of this constitution. The first power reserved by the people is the initiative. Any measure or constitutional amendment may be proposed by the people by initiative petition, signed by not less than ten per cent, or if an amendment to the constitution not less than fifteen per cent of the legal voters in each county of at least one-half of the counties of the state. Any such petition shall contain the full text of the proposed measure. Such petitions shall be filed with the secretary of state not less than four months prior to the election at which they are to be voted on, or not later than twenty days after the opening session of the legislative assembly to which such petitions are to be presented. The secretary of state shall transmit the same to the house of representatives of such legislative assembly on the first day of the session thereof, or not later than ten days after the same are filed. Measures or amendments to the constitution so proposed shall take precedence over all other measures in the legislative assembly, except appropriation bills, and shall be either enacted or rejected by the legislative assembly without amendment, at that session. Any such measure or amendment, if enacted or agreed to by the legislative assembly, shall be subject to referendum upon a petition as hereinafter provided, or it may be referred to the people by the legislative assembly for approval or rejection. In the event that it is rejected, or if no action is taken upon it by the legislative assembly at that session, the secretary of state shall submit it to the people for approval or rejection at the next general election. The legislative assembly may propose a different measure or constitutional amendment to accomplish the same purpose whereupon both measures, or both amendments, shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing general election. If conflicting measures or amendments are submitted to the people at a general election and each receives a majority of the votes cast for and against the same respectively, then the one receiving the highest number of affirmative votes shall be thereby deemed enacted and approved and all others rejected. When any measure so approved at the polls, as provided herein, is a constitutional amendment, it shall be referred to the next legislative assembly, and

should such amendment be approved by a majority of the members elected to each house thereof, such amendment shall become a part of the constitution of the state. If such amendment be rejected by the next legislative assembly, it shall again be submitted to the people at the next general election for approval or rejection, and if the said amendment the second time receives a majority of all the votes cast thereon at such election, it shall become a part of the constitution of the state. The second power reserved is the referendum, or the power to order any act, item, or part of any act of the legislative assembly to be referred to the people for their approval or rejection at the polls. A referendum may be ordered as to any measure or any part, item or section of any measure passed by the legislative assembly upon a majority vote of the members elect thereof, or by a petition signed by at least ten per cent of the legal voters in each county of at least one-half of the counties of the state, whereupon such act, measure, part or parts thereof so ordered shall be suspended until the referendum vote shall determine whether or not the law is sustained or defeated, provided, that when it is necessary for immediate preservation of the public health, peace or safety that a law become effective without delay, such necessity and the facts creating the same, shall be stated in one section of the bill, and if upon aye and nay vote in each house of the legislative assembly, two thirds of all the members-elect thereto shall vote on a separate roll call in favor of such law going into instant operation on account of the necessity for the same, such law shall become operative upon approval by the governor, and shall not be subject to a referendum. The reference to the people of one or more items, sections or parts of any duly enacted act or emergency law shall not delay the remainder of that act or law from becoming operative. All referendum petitions shall be filed with the secretary of state within ninety days after the final adjournment of the session of the legislative assembly which passed the measure upon which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by, or referred to and approved by the people. All elections on measures referred to the people shall be had at biennial regular general elections, unless provisions be made by law for a special election on such measures. Any measure thus referred to the people shall become a law when it is approved by a majority of the votes cast thereon, and not otherwise, and shall be in force from the date of the official declaration of the vote by the state board of canvassers. The enacting clause of all measures initiated by the people shall be: "Be it enacted by the people of North Dakota." The basis for the computation of the number of signatures required for any initiative or referendum petition shall be the total vote cast

for governor at the last general election in the counties where such petitions are signed.

The section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure.

The secretary of state and all other officers shall be guided by the general laws and this act in filing and submitting initiative and referendum petitions until legislation shall be especially enacted therefor.

This amendment shall be self executing, but laws may be enacted for the purpose of facilitating its operation.

CHAPTER 87.

[S. B. No. 135—Plain]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Empowering the Legislative Assembly to Provide by Law for the Erection, Leasing, Purchasing, and Operating Terminal Elevators in the States of Minnesota and Wisconsin, or Either.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following proposed amendment to the constitution of the State of North Dakota adopted by the Eleventh Legislative Assembly of the State of North Dakota and by it referred to the Twelfth Legislative Assembly of said state for approval or rejection is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the states of Minnesota or Wisconsin, or both, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.

CHAPTER 88.

[S. B. No. 138—Plain]

CONCURRENT RESOLUTION.

GOVERNING SALE OF SCHOOL LANDS.

CONCURRENT RESOLUTION to Amend Section 158 of the Constitution of the State of North Dakota, Governing the Sale of School Lands to Railroad Companies.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following proposed amendment to the constitution of the state of North Dakota, adopted by the Eleventh Legislative Assembly of the state of North Dakota and by it referred to the Twelfth Legislative Assembly of said state for approval or rejection is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota

AMENDMENT.] Article 9, section 158 of the constitution of the state of North Dakota, is amended so as to read as follows:

§ 158. No land shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows:

One-fifth in five years, one-fifth on or before the expiration of ten years, one-fifth on or before the expiration of fifteen years, and one-fifth on or before the expiration of twenty years, with interest at the rate of not less than five per cent per annum, payable annually in advance; provided, that when payments are made before due they shall be made at an interest paying date, and one year's interest in advance shall be paid on all money so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the land to be sold, and one at the seat of government. Such lands as shall not have been specially sub-divided shall be offered in tracts of one-quarter section, and those sub-divided in the smallest sub-division. All lands designated for sale and not sold within two years after appraisal shall be re-appraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided, that the land contracted to be sold by the state shall be subject to taxation from the date of contract. In case the taxes assessed against any of said lands for any year remain

unpaid until the first Monday in October of the following year, then thereupon the contract of sale for such lands shall, if the board of university and school lands so determine, become null and void. Any lands under the provisions of section 158 of the constitution of the state of North Dakota that have heretofore been sold, may be paid for, except as to interest, as provided, further, that any school or institution lands that may be required for town site purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right of way, or for other railroad uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, and lands that may be required for any of the purposes over which the right of eminent domain may be exercised under the constitution and the laws of the state of North Dakota, may be sold under the provisions of this section, and shall be paid for, principal and interest, in full, in advance, at the time of sale, or at any time thereafter, and patent issued therefor, when principal and interest are paid.

CHAPTER 89.

[S. B. No. 153—Gibbens]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Providing for the Future Amendment Thereof.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

§ 1. That the following proposed amendment to section 202 of article 15 of the constitution of the state of North Dakota, be referred to the legislative assembly to be chosen at the next general election in the state of North Dakota to be, if approved by said last mentioned legislative assembly, submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT.] Article 15, section 202 of the constitution of the state of North Dakota is amended so as to read as follows:

§ 202. This constitution may be amended as follows:

First. Any amendment or amendments to this constitution may be proposed in either house of the legislative assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment

shall be entered on the journal of the house with the yeas and nays taken thereon, and referred to the legislative assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice, and if in the legislative assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all members elected to each house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the legislative assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Second. Any amendment or amendments to this constitution may also be proposed by the people by the filing with the secretary of state, at least six months previous to a general election, of an initiative petition containing the signatures of at least twenty-five per cent of the legal voters in each of not less than one-half of the counties of the state. When such petition has been properly filed the proposed amendment or amendments shall be published as the legislature may provide for three months previous to the general election, and shall be placed upon the ballot to be voted upon by the people at the next general election. Should any such amendment or amendments proposed by initiative petition and submitted to the people receive a majority of all the legal votes cast at such general election, such amendment or amendments shall be referred to the next legislative assembly and should such proposed amendment or amendments be agreed upon by a majority of all the members elected to each house, such amendment or amendments shall become a part of the constitution of this state. Should any amendment or amendments proposed by initiative petition and receiving a majority of all the votes cast at the general election as herein provided, but failing to receive approval by the following legislative assembly to which it has been referred, such amendment or amendments shall again be submitted to the people at the next general election for their approval or rejection as at the previous general election. Should such amendment or amendments receive a majority of all the legal votes cast at such succeeding general election, such amendment or amendments at once become a part of the constitution of this state. Any amendment or amendments proposed by initiative petition and failing

of adoption as herein provided, shall not be again considered until the expiration of six years.

CHAPTER 90.

[S. B. No. 229—Plain]

CONCURRENT RESOLUTION.

EMPOWERING THE LEGISLATURE TO PROVIDE FOR TERMINAL ELEVATORS.

CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Empowering the Legislative Assembly to Provide by Law for Erection, Leasing, Purchasing and Operating Terminal Elevators in the State of North Dakota.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following proposed amendment to the constitution of the state of North Dakota is referred to the legislative assembly to be chosen at the next general election in this state, to be by said last mentioned legislative assembly submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state.

AMENDMENT.] The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the state of North Dakota, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.

CHAPTER 91.

[S. B. No. 247—Wele]

CONCURRENT RESOLUTION.

CONSTRUCTION AND IMPROVEMENT OF PUBLIC HIGHWAYS.

A CONCURRENT RESOLUTION Amending Section 185 of the Constitution of the State of North Dakota, Relating to State Aid in the Construction and Improvement of Public Highways.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following amendment to the constitution of the state of North Dakota be referred to the legislative assembly to be

chosen at the next general election in said state, to be by the last named legislative assembly submitted to the qualified electors for approval or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT TO CONSTITUTION.] That section 185 of article 12 of the constitution of the state of North Dakota is hereby amended to read as follows:

§ 185. Neither the state nor any county, city, township, town, school district or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work of internal improvement unless authorized by a two-thirds vote of the people. Provided, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

CHAPTER 92.

[S. B. No. 307—Steele of Renville]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION for an Amendment to the Constitution of the State of North Dakota, Relating to the Term of Office of the Judges of the Supreme Court.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following amendment to the constitution of the state of North Dakota, adopted by the Eleventh Legislative Assembly of the state of North Dakota, and by it referred to the Twelfth Legislative Assembly of said state for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota:

AMENDMENT.] Section 91 of the constitution of the state of North Dakota is amended to read as follows:

§ 91. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be ten years, beginning on the first Tuesday after the first Monday in January of the year next following their election, and they shall hold their offices until their successors are duly qualified. This section shall not be construed as extending the term of office of the

judges serving at the time of the adoption of this amendment, except as herein provided. The terms of office of the judges of the supreme court elected at the general election in 1910 shall be as follows: The one receiving the highest number of votes at such election shall hold his office for a term of ten years, the one receiving the next highest number of votes at such election shall hold his office for a term of eight years, and the one receiving the lowest number of votes at such election shall hold his office for a term of six years.

CHAPTER 93.

[S. B. No. 5—Beasesen]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION for an Amendment to the Constitution Providing for the Initiative and Referendum.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following amendment to the constitution of the state of North Dakota, providing for the initiative and referendum, shall be referred to the next legislative assembly to be chosen at the next general election in said state, and with the approval of said legislative assembly to be submitted to the qualified electors for adoption or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT.] Section 25 of Article 2 of the constitution of the state of North Dakota is hereby amended to read as follows:

§ 25. The legislative authority of the state of North Dakota shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any act or measure passed by the legislative assembly. The first power reserved by the people is the initiative, or the power to propose measures for enactment into laws, and at least ten per cent of the legal voters to be secured in a majority of the counties of this state shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than thirty days before any regular session of the legislative assembly; he shall transmit the same to the legislative

assembly as soon as it convenes. Such initiative measure shall take precedence over all other measures in the legislative assembly except appropriation bills, and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected or no action is taken upon it by the legislative assembly within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid and the other shall thereby be rejected. The second power is the referendum, or the power to order any act, item, or part of any act to be referred to the people for their approval or rejection at the polls, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), as to any measure or any parts, items or sections of any measures passed by the legislative assembly either by a petition signed by ten per cent of the legal voters of the state from a majority of the counties or by the legislative assembly, if a majority of the members elect vote therefor. When it is necessary for the immediate preservation of the public peace, health or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and no vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the governor.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the

people of the state shall be had at biennial regular elections, except as provision may be made by law for a special election or elections. Any measure referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise and shall be in force from the date of the official declaration of the vote.

The enacting clause of all the initiative bills shall be "Be it enacted by the people of the state of North Dakota." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for secretary of state at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be specially provided therefor.

This amendment shall be self executing, but legislation may be enacted to facilitate its operation.

CHAPTER 94.

[H. B. No. 237—Doyle of Foster and Ployhar]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION for Amendment of the Constitution Providing for the Initiative and Referendum, and the Provisions Thereof, the Recall of Public Officers and Future Amendments to the Constitution.

Be It Resolved by the House of Representatives of the State of North Dakota, and the Senate Therein Concurring:

That the following amendments to the constitution of the state of North Dakota be referred to the legislative assembly to be chosen at the next general election, be published, and upon agreement to be by the legislative assembly so next chosen, as aforesaid, submitted to the people at the general election in the year 1914 for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENTS.] Section twenty-five (25), fifty-seven (57), fifty-eight (58), fifty-nine (59), and sixty-five (65) of article two

(2) and section 201 of article fourteen (14), and section 202 of article fifteen (15) of the constitution of the state of North Dakota shall be and are hereby amended to read as follows:

§ 25. The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves the power: First, to propose laws, legislative measures, resolutions and amendments to the constitution and to enact and approve or reject the same at the polls independent of the legislative assembly or the governor, (except that amendments to the constitution shall be once referred to the legislative assembly) and

Second, at their own option, to order submitted to them, and to enact, approve and confirm or reject and annul at the polls any act, measure or resolution, or item, section, part or parts of any such as submitted to, proposed, enacted or rejected by the legislative assembly, or vetoed by the governor.

The power first above reserved by the people is the Initiative and the second is the Referendum. Every initiative petition shall include the full text of the measure proposed, and not more than eight per cent, nor in any case more than twenty thousand (20,000) legal electors shall be required to petition for and propose any measure to compel it to be submitted to the people at the polls, independent and regardless of, or notwithstanding non-enactment thereof by, the legislative assembly, or veto by the governor; providing that the initiative petition proposing an amendment or amendments to the constitution shall be signed by not more than 15 per cent of the legal electors in at least one-half of the counties of the state. Not more than five per cent, nor in any case more than ten thousand (10,000) legal electors, shall be required to petition and propose any measure or resolution for enactment or agreement by the legislative assembly, or to order and employ the referendum power as to initiative measure or resolution so submitted, or as to any other act, measure or resolution, or part thereof, as herein provided under the second power reserved by the people. All initiative petitions for measures, except for municipal and wholly local legislation, shall be filed in the office of the secretary of state not less than four months prior to the election at which they are to be voted on, or, within twenty days after the opening session of the legislative assembly. And whenever so filed and not submitted to vote at the election last preceding, shall be transmitted to the house of representatives at the opening session thereof, (except proposed constitutional amendments approved at the preceding election shall be transmitted to the state senate together with any not voted on) or within ten days after filing; provided, none shall be so transmitted after the thirtieth day of the term. Initiative measures shall take precedence over all others in such legislative assembly except appropriation bills

and constitutional amendments referred by the people or a preceding legislative assembly, and shall be enacted, referred or rejected, without amendment, by the legislative assembly at that term. If enacted, such measures shall be subject to referendum. If not enacted and not entitled hereby to be submitted to vote, then the legislative assembly, as it enacts other bills, may refer such proposed measures to the electors either alone or together with any to the same purpose and end, proposed and preferred by the legislative assembly. Whenever it shall be necessary for the immediate preservation of the public peace, health or safety that a law shall become effective, without delay, such necessity shall be stated in a separate section, and if, by a vote of yeas and nays, three-fourths of all members elected to each house, city council or commission, as the case may be, shall vote on a separate roll call, in favor of the measure going into instant operation because necessary for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the governor or mayor, as the case may be; provided, that an emergency shall not be so declared in any measure creating or abolishing any office, or to change the salary, term or duty of any officer, or in disposing of any lands and natural resources belonging to the state.

Referendum petitions or orders shall be filed in the office of the secretary of state not less than ninety days after the final adjournment of the legislative assembly which passed or to which was referred to the measure on which referendum is demanded. A referendum petition ordering submitted an emergency law shall not effect the same until said law is rejected and annulled at the polls, whereupon such law, item, section or part thereof so submitted shall be repealed. The filing of a referendum petition ordering submitted one or more items, sections or parts of any duly enacted act, legislative measure, resolution or ordinance shall not delay the remainder, not so ordered, from becoming operative.

Whenever the purpose and object sought, stated and contained in conflicting or competing measures or resolutions submitted to the people, shall be affirmatively approved by a majority of the votes cast for and against such measures or resolutions, then the measure or resolution, embodying the purpose or object so approved which received the largest number of affirmative votes shall thereby become the law or constitutional amendment and all others shall thereby be rejected and repealed.

The veto power of the governor or mayor shall not extend to measures initiated by or referred to or enacted by the people.

All elections on general, local and special measures referred to the people of the state or of any locality shall be had at the biennial regular general elections, except when otherwise provided

by law, but counties, cities and towns may provide for special elections on their municipal and wholly local legislation.

In case of laws, chiefly of local interest, whether submitted by initiative or referendum petition or by the legislative assembly, as for example, the division or creation of counties or creation of new or additional offices or officers, the same shall be submitted to, voted on and approved or rejected only by the people of the counties chiefly interested.

Any measure submitted to the people at the polls, shall become enacted, be and become the law when it is approved by a majority of the votes cast thereon, (except as herein provided when conflicting or competing measures are submitted) and shall be in force and effect and become operative upon date of the certified statement of such vote by the state board of canvassers.

Proposed amendments to the constitution shall in all cases be submitted to the people for approval or rejection.

No statute, ordinance or resolution approved and enacted by vote of the electors shall be amended, repealed or in any particular nullified by any subsequent legislation by the legislative assembly, city council or commission, except by a three-fourths vote of all the members elected thereto, taken by yeas and nays.

The enacting clause of all initiative bills shall be "Be it enacted by the people of the state of North Dakota." And of all ordinances "Be it ordained by the people of (name of municipality). This section shall not be construed to deprive any member of the legislative assembly, city council or commission, of the right to introduce any measure, nor shall this amendment be construed to limit in any degree the inherent right of petition to any person or persons.

The whole number of votes cast for the office of secretary of state at the regular election last preceding the filing of any initiative or referendum petition shall be the basis on which the number of legal electors necessary to sign such petition shall be computed.

It shall be the duty of the secretary of state to submit to the electors at the polls all measures proposed and ordered by petitions or referred by the legislative assembly, so entitled and filed in his office, and to transmit all others to the legislative assembly in accordance herewith, and he and all other officers shall be guided by the general laws, the act submitting this amendment and the terms hereof until legislation shall be especially provided.

It shall be the duty of the legislative assembly to which this amendment is referred to make provision by law for its execution in accordance herewith, in anticipation of its ratification by the people.

All original initiative petitions shall be returned to or filed in the office of the secretary of state by the secretary of the senate

not later than ten days after the final adjournment of that branch of the legislative assembly, with endorsement thereon, or securely attached thereto, showing full and complete record of the action taken relative thereto in either and both houses of the legislative assembly and its final disposition thereof.

The initiative and referendum powers are hereby further reserved to the electors of each municipality and district, as to all local, special and municipal legislation of every character, in and for their respective municipalities and districts. The provisions of this section shall apply as far as may be made applicable to city councils, and commission forms of city government.

Every extension, enlargement, grant or conveyance of a franchise or of any right, property, easement, lease or occupation of or in any road, street, alley or park, or any part thereof, or in any real property owned by a municipal corporation, whether the same be made by statute, ordinance, resolution or otherwise, shall be subject to referendum by petition.

Until general laws shall prescribe the manner of exercising the initiative and referendum powers as to their municipal legislation, cities and towns may provide by ordinance therefor. But not more than ten per cent of the legal electors may be required to order the referendum, not more than fifteen per cent to propose any measure by initiative in any city or town, and petitions for such measures ordering any submitted shall be filed with such officers within the county, city or district as is by law provided for the filing of petitions for nomination of candidates for public office.

This amendment shall be self executing, but legislation may be enacted especially to facilitate its operation.

§ 57. Any bill may originate in either house of the legislative assembly, and a bill so originating, passed by one house may be amended by the other.

§ 58. No law shall be passed by the legislative assembly except by a bill adopted by both houses, and no bill shall be so altered and amended on its passage through either house as to change its original purpose.

§ 59. The enacting clause of every law originating in the legislative assembly shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota."

§ 65. No bill, (other than that approved and enacted by the people at the polls) shall become a law except by a vote of a majority of all the members elect in each house, nor unless, on its final passage in the legislative assembly the vote to be taken by yeas and nays, and the names of those voting be entered on the journal.

The words "Legislative Assembly shall pass," "Legislative Assembly shall provide," "approve," etc., or words similar or equivalent in this constitution or any amendments thereto, wher-

ever occurring, shall not be construed to grant to the legislative assembly any exclusive authority of legislating, nor in any way to limit the initiative and referendum reserved by the people.

ARTICLE XIV.

§ 201. No person shall be liable to impeachment twice for the same offense.

§ 201A. Every public officer in North Dakota is subject as herein provided, to recall by the legal voters of the state or of the electoral district from which he is elected. There may be required thirty per cent, but not more, of the number of electors who voted in his district at the preceding election for the office of the secretary of state to file their petition demanding his recall by the people. They shall set forth in said petition the reasons for said demand. If he shall file an offer of his resignation, it shall be accepted and take effect on the day it is filed, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within twenty days in his said electoral district to determine whether the people will recall said officer.

On the sample ballot at said election shall be printed in not more than two hundred words, the reason for demanding the recall of said officer as set forth in the recall petition, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office, previously nominated, may be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the recalled officer's resignation, should he resign, shall be filed with the same officer, and the same officer shall order a special election when it is required. No such petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a senator or representative in the legislative assembly or a member of a city council, or commissioner or mayor at any time after five days from the beginning of his term of office.

After one such petition and special election, no further recall petition shall be filed against same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such special election expenses, the whole of its expenses for the preceding special election. Such additional legislation as may aid the operation of this

section shall be provided by law, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

ARTICLE XV.

FUTURE AMENDMENTS.

§ 202. Any amendment or amendments to this constitution may be proposed in either house of the legislative assembly, or by the people by initiative petition. Every initiative petition shall include the full text of the amendment or amendments proposed and shall be filed in the office of the secretary of the state not less than four months prior to the election at which such proposed amendment or amendments shall be voted on.

When any measure, act or resolution, or item, section or part or parts of any such, (irrespective of source) proposed as an amendment or amendments to this constitution, and published as provided by law, for three months previous to any general state election, and at such election, shall be approved by a majority of the electors voting thereon, and, without amendment, such proposed and approved amendment or amendments shall be agreed to and confirmed by a majority of the members elected to each of the two houses of the next legislative assembly, the same shall be entered in the journals of the two houses with the yea and nay vote and names of the members voting thereon; then and thereby such amendment or amendments shall become a part of the constitution of this state.

If not so agreed to and confirmed by the legislative assembly at that term, without amendment, then such proposed and approved amendment or amendments shall be submitted, by the secretary of state, a second time to the electors at the ensuing regular general election, or special election, provided by law. And, if the same shall be the second time approved and ratified by a majority of the electors voting thereon, then and thereby such amendment or amendments shall become a part of the constitution of this state. Or, if the legislative assembly shall agree to any amendment or amendments, (excepting any approved at the last preceding election, above provided for) the same shall be entered in both journals with the yea and nay vote as aforesaid, and it shall be the duty of the legislative assembly to refer the same to the people for approval or rejection at the ensuing general election, or a special state election, provided by law; and such proposed amendment or amendments shall be published as aforesaid and be submitted to the electors at the polls; and if approved and confirmed by a majority of the electors voting thereon, then and thereby such amendment or amendments shall become a part of the constitution of this state.

All amendments submitted to the voters and approved as herein shall be effective and operative as a part of the constitution on the date of the certified statement of such vote by the state board of canvassers. If two or more amendments shall be submitted at the same election they shall be submitted in such manner that the electors shall vote for or against each amendment separately; but may be presented, designated and identified on the ballot as provided by law.

No convention shall be called to amend or propose amendments to this constitution, or to propose a new constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election.

CHAPTER 95.

[H. B. No. 23—Nestor]

UNIFORMITY OF TAXATION AND CLASSIFICATION OF PROPERTY.

CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Relating to Uniformity of Taxation and Permitting the Classification of Property for the Purpose of Taxation and Relating Further to the Assessment and Taxation of Certain Public Utility Companies.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

The following proposed amendments to sections 176 and 179 as amended by article 4 of the Constitution of North Dakota of article 11 of the Constitution of the state of North Dakota, is referred to the legislative assembly to be chosen at the next general election in said state, to be by the said last mentioned legislative assembly submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota:

AMENDMENT.] Section 176 of the Constitution of the state of North Dakota is amended to read as follows:

§ 176. Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, but the property of the United States, and of the state, county and municipal corporations, shall be exempt from taxation; and the legislative assembly shall by a general law exempt from taxation, property used exclusively for school, religious, cemetery, charitable or other public purposes

and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; provided that all taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, until otherwise provided by statute.

AMENDMENT.] Section 179 as amended by article 4 of the Constitution of North Dakota of the Constitution of the state of North Dakota is amended to read as follows:

§ 179. All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies or corporations operating in this state and used directly or indirectly in the carrying of persons, property, or messages, shall be assessed by the state board of equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in the manner provided for the assessment of other real property.

Approved March 3, 1911.

CHAPTER 96.

[H. B. No. 1—Doyle]

SIXTEENTH AMENDMENT.

A JOINT RESOLUTION Ratifying the Sixteenth Amendment to the Constitution of the United States.

Whereas, the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

“A Joint Resolution proposing an amendment to the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United

States, which when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution, namely,

Article 16. The Congress shall have power to lay and collect taxes on incomes, whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

Therefore, be it resolved by the Legislative Assembly of the state of North Dakota, that the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the state of North Dakota.

And be it further resolved that certified copies of this joint resolution be forwarded by the governor of this state to the secretary of the state at Washington, and to the president of the senate and the speaker of the house of representatives of the National Congress.

Approved February 21, 1911.

CHAPTER 97.

[H. B. No. 78—O'Connor]

PUBLIC INSTITUTIONS.

A CONCURRENT RESOLUTION to Amend Article 19, Section 216 of the Constitution of the State of North Dakota, Pertaining to Public Institutions.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to article 19, section 216 of the constitution of the state of North Dakota, is agreed to and hereby referred to the legislative assembly to be chosen at the next general election in the state of North Dakota, to be by said last mentioned legislative assembly submitted to the qualified electors of said state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota:

AMENDMENT.] Article 19, section 216 of the constitution of the state of North Dakota, is amended so as to read as follows:

§ 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions," as is allotted by law, viz:

First. A soldier's home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.

Second. The school for the blind of North Dakota, at Bathgate, in the county of Pembina, with a grant of thirty thousand acres.

Third. An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres.

Fourth. A school of forestry, or such other institution as the legislative assembly may determine, at the city of Bottineau, in the county of Bottineau.

Fifth. A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres.

Sixth. A state normal school at the city of Minot, in the county of Ward; provided, that no other institution of a character similar to any one of those located by this article, shall be established or maintained without a revision of this constitution.

Approved February 24, 1911.

CLERKS OF COURT

CHAPTER 98.

[S. B. No. 305—Williams]

DRUGGISTS' FILING FEE.

AN ACT To Amend and Re-enact Section 9363 of the Revised Codes of 1905 as Amended by Chapter 183 of the Session Laws of 1909 Relating to Fees of Clerk of a Court.

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

§ 1. AMENDMENT.] That Section 9363 of the Revised Codes of 1905 as amended by Section 10 of Chapter 183 of the Session Laws of 1909 is hereby amended to read as follows:

§ 9363. FEES. DISPOSITION OF.] For each series of affidavits filed under the provisions of this chapter, the clerk of the district court shall collect one dollar and fifty cents from the druggists filing the same, or the proportionate part thereof for the number filed, which shall be paid by him on the first day of each month into the county treasury for the benefit of the general county fund. The clerk of the district court shall receive no fees for his services under this chapter.

Approved March 3, 1911.