

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 112

Senate Concurrent Resolution No. 2—(Brant)

CLASSIFICATION AND EXEMPTION OF PERSONAL PROPERTY FROM TAXATION

A Concurrent Resolution providing for the amendment of Section 176 of Article 29 of the Constitution of North Dakota.

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

That the following proposed amendment to Section 176 of Article 29 of the Constitution of the State of North Dakota is agreed to and that the same be submitted to the qualified electors of the State of North Dakota for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended:

§ I. AMENDMENT.] That Section 176 of Article 29 of the Constitution of North Dakota is hereby re-enacted to read as follows:

Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax. The Legislature may by law exempt any or all classes of personal property from taxation and within the meaning of this section, fixtures, buildings and improvements of every character, whatsoever, upon land shall be deemed personal property. The property of the United States, and property of the State, county and municipal corporations and property used exclusively for schools, religious, cemetery, charitable or other public purposes, shall be exempt from taxation; provided, however, that all state owned lands acquired under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919, and Chapter 292 of the Session Laws of North Dakota for 1923 and acts amendatory thereof may be taxed by the local taxing districts for county, township, and school purposes, in such manner as the legislature may provide. Except as restricted by this Article, the legislature may provide for raising revenue and fixing the sites of all property for the purpose of taxation. Provided, that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.

Filed March 7, 1941.

CHAPTER 113

House Concurrent Resolution No. 63—(Aker, Fuglestad, Moe and Sharpe)

LEGISLATIVE POWER—CONSTITUTIONAL AMENDMENTS

A Resolution Providing for the Amendment of Section 202 of Article 15 of the Constitution of North Dakota as Amended by Articles 16 and 28 of the Amendments thereto, Relating to Future Amendments.

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

That the following proposed amendment to Section 202 of Article 15 of the Constitution of North Dakota as amended by Articles 16 and 28 of the Amendments thereto, is agreed to and that the same be submitted to the qualified electors of the State for approval or rejection.

§ 1. AMENDMENT.] That Section 202 of Article 15 of the Constitution of North Dakota as amended by Articles 16 and 28 of the Amendments thereto, is hereby amended and re-enacted to read as follows:

§ 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 initiative petition of the electors; such petition shall be signed by thirty thousand of the electors at large 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 shall 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.

Filed March 22, 1941.

CHAPTER 114

House Concurrent Resolution No. 64—(Aker, Fuglestad, Moe and Sharpe)

LEGISLATIVE POWER, INITIATIVE AND REFERENDUM

A concurrent Resolution Providing for the Amending of Section 25 of Article 2 of the Constitution of the State of North Dakota as amended by Articles 15 and 26 of the Amendments thereto, Relating to the Legislative Power of the State, and the Initiative and Referendum:

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

That the following proposed amendment to Section 25 of Article 2 of the Constitution of the State of North Dakota as amended by Articles 15 and 26 of the Amendments thereto, is agreed to and that 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, as amended.

§ 1. AMENDMENT.] That Section 25 of Article 2 of the Constitution of the State of North Dakota as amended by Articles 15 and 26 of the Amendments thereto, is hereby amended and re-enacted to read as follows:

§ 25. That 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 this Legislature.

The first power reserved is the initiative. Twenty thousand electors at large 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. Thirty thousand electors at large 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 petitions 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. No initiative or referendum petition shall be circulated or filed during a regular or special session of the Legislature.

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 state-wide

election designated in the petition, or at any 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. Such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency measure, 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 so ordered by the Governor or if the referendum petition filed against it shall be signed by forty 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 the 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 petition, 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 for 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 ones 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 measures enacted or approved by a vote of the electors shall be repealed or amended by the Legislature, except upon a ye 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 shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict, or impair the exercise of the rights herein reserved to the people.

Filed March 22, 1941.

CORPORATIONS

CHAPTER 115

H. B. No. 61—(Haugen & Sandness)

RESTRICTION OF WORD CO-OPERATIVE

An Act Restricting the Use of the Word "Co-operative" or an abbreviation thereof to Co-operative; Providing a Penalty; and Injunctive Relief.

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

§ 1. It shall be unlawful for any person, firm or corporation organized or doing business in this State, to use or embody the word "co-operative", "co-op" or other abbreviation thereof, as part of its corporate or other business name or title, when said person, firm or corporation is not in fact a co-operative association or corporation, or which is not organized under the co-operative laws of the State.

§ 2. Violation of the provisions of this act constitutes a misdemeanor, and may also be enjoined by any co-operative corporation or association or any member thereof.

§ 3. Sections 4609a18 and 4609b21 of the 1925 Supplement are hereby repealed.

Approved February 21, 1941.