

CONSTITUTIONAL AMENDMENTS

Approved

ARTICLE 55

COUNTY GOVERNMENT

(Submitted by Legislature)

§ 1. AMENDMENT.] That Section 167 of the Constitution of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 167. The Legislative Assembly shall provide by general law for organizing new counties, locating county seats thereof temporarily, and changing the county lines; but no new county shall be organized, nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than five thousand bona fide inhabitants. And in the organization of new counties and in changing the lines of organized counties and boundaries of congressional townships the natural boundaries shall be observed as nearly as may be.

The Legislative Assembly shall also provide by general law for the consolidation of counties, and for their dissolution, but no counties shall be consolidated without a fifty-five per cent vote of those voting on the question in each county affected, and no county shall be dissolved without a fifty-five per cent vote of the electors of such county voting on such question.

§ 2. AMENDMENT.] That Section 170 of the Constitution of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 170. The Legislative Assembly shall provide by law for optional forms of government for counties, which forms shall be, in addition to that form provided by Sections 172 and 173 of the Constitution, and which forms shall specify the number, functions and manner of selection of county officers, but no such optional form of government shall become operative in any county until submitted to the electors thereof at a special election or a general election, and approved by fifty-five per cent of those voting thereon. The manner of exercising the powers herein granted shall be by general laws, but such laws shall provide that the initiative for the submission of the question of the adoption of one of the optional forms of county government may be had either by a vote of not less than two-thirds of the county legislative body or upon petition of electors of the county equal to at least fifteen per centum of the total number of voters of the county who voted for Governor at the last general elec-

tion. Among the optional forms of county government to be provided by the Legislative Assembly under this provision, at least one form shall provide for a county manager.

§ 3. REPEAL.] That Section 171 of the Constitution of the State of North Dakota be and the same is hereby repealed.

§ 4. AMENDMENT.] That Section 172 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 172. Until one of the optional forms of county government provided by the Legislative Assembly under Section 170 of the Constitution, as amended, be adopted by any county, the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members whose terms of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business, as shall be provided by law.

§ 5. AMENDMENT.] That Section 173 of the Constitution of the State of North Dakota, as amended, is hereby amended and re-enacted to read as follows:

§ 173. At the first general election after the adoption of this amendment, and every two years thereafter, there shall be elected in each county organized under the provisions of Section 172 of the Constitution, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and a 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 6,000 or less, the register of deeds shall also be clerk of the district court and county judge. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

Approved June 25, 1940.

67,804 to 64,519.

ARTICLE 56
GASOLINE MOTOR FUEL ACT
(Submitted by Initiative Petition)

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH DAKOTA DEDICATING REVENUE FROM GASOLINE AND OTHER MOTOR FUEL EXCISE AND LICENSE TAXATION, MOTOR VEHICLE REGISTRATION AND LICENSE TAXES, AFTER DEDUCTING COST OF ADMINISTRATION AND STATUTORY REFUNDS, TO PUBLIC HIGHWAY PURPOSES.

§ 1. Revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes, after deduction of cost of administration and collection authorized by legislative appropriation only, and statutory refunds, shall be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways, and the payment of obligations incurred in the construction, reconstruction, repair and maintenance of public highways.

Approved June 25, 1940.

91,149 to 49,324.

ARTICLE 57
TRANSFER POWER OF RAILROAD COMMISSION TO PUBLIC
SERVICE COMMISSION
(Submitted by Initiative Petition)

§ 82. 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, three public service commissioners, 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 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; 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.

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.

Approved June 25, 1940.

67,294 to 57,239.

CONSTITUTIONAL AMENDMENTS

Disapproved

LEGISLATIVE POWER, INITIATIVE AND REFERENDUM (Submitted by the Legislature)

A CONCURRENT RESOLUTION PROVIDING FOR THE AMENDMENT OF SECTION 25 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF NORTH DAKOTA, RELATING TO THE LEGISLATIVE POWER OF THE STATE, AND THE INITIATIVE AND REFERENDUM.

Disapproved June 25, 1940.

61,573 to 64,636.

RECALL (Submitted by the Legislature)

A CONCURRENT RESOLUTION PROVIDING FOR THE AMENDMENT OF ARTICLE 33 OF THE CONSTITUTION OF NORTH DAKOTA, RELATING TO THE RECALL.

Disapproved June 25, 1940.

60,049 to 62,501.