

# CONSTITUTIONAL MEASURES, APPROVED

## CHAPTER 403

### AUTHORIZING DEPARTMENT OF LABOR

Senate Concurrent Resolution "A", chapter 437, 1959 Session Laws, proposed by the 36th Legislative Assembly of the state of North Dakota to provide for the amendment of sections 82, 83 and 84 of the Constitution of the state of North Dakota, relating to the term of office, powers and duties, and salaries of elected state officers in order to allow the legislative assembly to establish a separate department of labor by inserting as paragraph two of section 82 (article 57) the following words: "The legislative assembly may by law provide for a department of labor which, if provided for, shall be separate and distinct from the department of agriculture, and shall be administered by a public official who may be either elected or appointed, whichever the legislative assembly shall declare; and if such a department is established, the commissioner of agriculture and labor provided for above shall become the commissioner of agriculture"; by adding to section 83 the following words: "In the event that the legislative assembly shall establish a separate and distinct department of labor, the powers and duties of the officer administering such department of labor shall be prescribed by law."; and by deleting from section 84 the following words: "Until otherwise provided by law, the governor shall receive an annual salary of three thousand dollars; the lieutenant governor shall receive an annual salary of one thousand dollars; the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, and attorney general shall each receive an annual salary of two thousand dollars; the salary of the commissioner of agriculture and labor" and insert in lieu thereof the words: "Salaries of public officers" so as to read as follows:

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

SECTION 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 legislative assembly may by law provide for a department of labor which, if provided for, shall be separate and distinct from the department of agriculture, and shall be administered by a public official who may be either elected or appointed, whichever the legislative assembly shall declare; and if such a department is established, the commissioner of agriculture and labor provided for above shall become the commissioner of agriculture.

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.

SECTION 83. The powers and duties of the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, attorney general and commissioner of agriculture and labor shall be prescribed by law. In the event that the legislative assembly shall establish a separate and distinct department of labor, the powers and duties of the officer administering such department of labor shall be prescribed by law.

SECTION 84. Salaries of public officers shall be as prescribed by law, but the salaries of any of the said officers shall not be increased or diminished during the period for which they shall have been elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

Approved June 28, 1960.

82,114 to 79,112

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



## CHAPTER 404

## SALE OF COAL LANDS AND RESERVATION OF MINERALS

House Concurrent Resolution "J", chapter 436, 1959 Session Laws, proposed by the 36th Legislative Assembly of the state of North Dakota to provide for the amendment of section 155 of the Constitution of the state of North Dakota, relating to sale of original grant school lands and reservation of minerals therein by deleting from section 155 the following words: "The coal lands of the state shall never be sold, but the legislative assembly may by general laws provide for leasing the same. The words coal lands shall include lands bearing lignite coal." and by adding the following words: "In all sales of lands subject to the provisions of this article all minerals therein, including but not limited to oil, gas, coal, cement materials, sodium sulphate, sand and gravel, road material, building stone, chemical substances, metallic ores, uranium ores, or colloidal or other clays, shall be reserved and excepted to the state of North Dakota, except that leases may be executed for the extraction and sale of such materials in such manner and upon such terms as the legislative assembly may provide." so as to read as follows:

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

SECTION 155. After one year from the assembling of the first legislative assembly the lands granted to the state from the United States for the support of the common schools, may be sold upon the following conditions and no other: No more than one-fourth of all such lands shall be sold within the first five years after the same become salable by virtue of this section. No more than one-half of the remainder within ten years after the same become salable as aforesaid. The residue may be sold at any time after the expiration of said ten years. The legislative assembly shall provide for the sale of all school lands subject to the provisions of this article. In all sales of lands subject to the provisions of this article all minerals therein, including but not limited to oil, gas, coal, cement materials, sodium sulphate, sand and gravel, road material, building stone, chemical substances, metallic ores, uranium ores, or colloidal or other clays, shall be reserved and excepted to the state of North Dakota, except that leases may be executed for the extraction and sale of such materials in such manner and upon such terms as the legislative assembly may provide.

Approved June 28, 1960.

84,348 to 72,088

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

## CHAPTER 405

## LEGISLATIVE DISTRICTS AND REAPPORTIONMENT

Senate Concurrent Resolution "M," chapter 438, 1959 Session Laws, proposed by the 36th Legislative Assembly of the state of North Dakota to provide for the amendment of sections 26, 29 and 35 of the Constitution of the state of North Dakota relating to the establishment of senatorial districts, representation from such senatorial districts in the house of representatives, and the manner of reapportioning members elected to the house of representatives after each federal decennial census by deleting from section 26 the following words: "not less than thirty nor more than fifty members." and inserting in lieu thereof the following words: "forty-nine members."; by deleting from section 29 the following words: "The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there are senators, which districts, as nearly as may be, shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law," and inserting in lieu thereof the following words: "Each existing senatorial district as provided by law at the effective date of this amendment shall permanently constitute a senatorial district. Each senatorial district shall be represented by one senator and no more."; and by deleting from section 35 the following words: "The members of the house of representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session after each such enumeration, and also after each federal census, proceed to fix by law the number of senators, which shall constitute the senate of North Dakota, and the number of representatives which shall constitute the house of representatives of North Dakota, within the limits prescribed by this constitution, and at the same session shall proceed to reapportion the state into senatorial districts as prescribed by this constitution, and to fix the number of members of the house of representatives to be elected from the several senatorial districts; provided, that the legislative assembly may, at any regular session, redistrict the state into senatorial districts, and apportion the senators and representatives respectively." and inserting in lieu thereof the following words: "Each senatorial district shall be represented in the House of Representatives by at least one representative except that any senatorial district comprised of more than one county shall be represented in the House of Representatives by at least as many representatives as there are counties in such senatorial district. In addition the Legislative Assembly shall, at the first regular session after each federal decennial census, proceed to apportion the balance of the members of the House of Representatives to be elected from the several senatorial districts, within the limits prescribed by this Constitution, according to the population of the several senatorial districts. If any Legislative Assembly whose duty it is to make an apportionment shall fail to make the same as herein provided it shall be the duty of the Chief Justice of the Supreme Court,

Attorney General, Secretary of State, and the majority and minority leaders of the House of Representatives within ninety days after the adjournment of the legislature to make such apportionment and when so made a proclamation shall be issued by the Chief Justice announcing such apportionment which shall have the same force and effect as though made by the Legislative Assembly." so as to read as follows:

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

SECTION 26. The senate shall be composed of forty-nine members.

SECTION 29. Each existing senatorial district as provided by law at the effective date of this amendment shall permanently constitute a senatorial district. Each senatorial district shall be represented by one senator and no more.

SECTION 35. Each senatorial district shall be represented in the House of Representatives by at least one representative except that any senatorial district comprised of more than one county shall be represented in the House of Representatives by at least as many representatives as there are counties in such senatorial district. In addition the Legislative Assembly shall, at the first regular session after each federal decennial census, proceed to apportion the balance of the members of the House of Representatives to be elected from the several senatorial districts, within the limits prescribed by this Constitution, according to the population of the several senatorial districts. If any Legislative Assembly whose duty it is to make an apportionment shall fail to make the same as herein provided it shall be the duty of the Chief Justice of the Supreme Court, Attorney General, Secretary of State, and the majority and minority leaders of the House of Representatives within ninety days after the adjournment of the legislature to make such apportionment and when so made a proclamation shall be issued by the Chief Justice announcing such apportionment which shall have the same force and effect as though made by the Legislative Assembly.

Approved June 28, 1960.

84,002 to 66,529

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



## CHAPTER 406

## AVIATION FUEL TAXES

Senate Concurrent Resolution "CC", chapter 439, 1959 Session Laws, proposed by the 36th Legislative Assembly of the state of North Dakota to provide for the amendment of article 56 of the Amendments to the Constitution of the state of North Dakota by inserting after the word "taxes," the following words: "except revenue from aviation gasoline and unclaimed aviation motor fuel refunds and other aviation motor fuel excise and license taxation used by aircraft," so as to read as follows:

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

## Article 56

1. Revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes, except revenue from aviation gasoline and unclaimed aviation motor fuel refunds and other aviation motor fuel excise and license taxation used by aircraft, 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 28, 1960.

83,604 to 80,352

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

## CHAPTER 407

NORTH DAKOTA STATE UNIVERSITY OF AGRICULTURE  
AND APPLIED SCIENCE

An Initiative Petition to amend and reenact the third paragraph of section 215 of Article XIX of the Constitution of the state of North Dakota to change the name of the Agricultural College to "The North Dakota State University of Agriculture and Applied Science."

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

Paragraph third of section 215 of Article XIX of the Constitution of the state of North Dakota, as amended, is hereby amended and reenacted to read as follows:

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

Approved November 8, 1960.

174,566 to 86,106

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