

PROPOSED AMENDMENTS TO CONSTITUTION

CONCURRENT RESOLUTION.

[H. B. No. 43—Sorley]

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Relating to Railroad Corporations and Requiring Them to Maintain a Public Office or Place in the State for the Transaction of Business.

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

That the following proposed amendment to section 140 of 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 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.

That section 140 of the constitution of the state of North Dakota is amended to read as follows:

§ 140. AMENDMENT. RAILROAD CORPORATIONS AND COMMON CARRIERS REQUIRED TO KEEP OFFICE IN THE STATE AND MAKE REPORTS.] Every railroad corporation and common carrier organized in, or doing business in this state, under the laws or authority thereof, shall have and maintain a public office or place in the state for the transaction of its business, where a record of the transfers of its stock shall be made and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed and by whom, the names of the owners of the stock and the amount owned by them respectively, the amount of stock paid in and by whom, and the transfers of said stock; the amount of its assets and liabilities and the names and place of residence of its officers. The directors of every railroad corporation and of every common carrier doing business in this state shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads and common carriers as may be prescribed by law. Similar reports shall be made to such other officers and

at such times and places as may be required by law and the legislative assembly shall pass laws enforcing by suitable penalties the provisions of this section.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[H. B. No. 26—Ueland]

For an Amendment to the Constitution Providing for the Initiative and Referendum.

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

That the following amendment to the constitution, providing for the initiative and referendum, shall be referred to the next legislative assembly and, with the approval of said legislative assembly, be submitted to the qualified electors for adoption or rejection.

AMENDMENT.

Section 25 of article 2 of the constitution of the state of North Dakota shall be and hereby is 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 amendments to the constitution, 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, and not more than eight per cent of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed, but the same constitutional amendment shall not be proposed oftener than once in ten years. 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 measures 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, 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 measure passed by the legislative assembly, either by a petition signed by five per cent of the legal voters 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 nay 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 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 general elections, except as provision may be made by law for a special election or elections. Any constitutional amendment or other 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 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 justice of the supreme court 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 especially provided therefor. This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[H. B. No. 116—C. A. Johnson]

Amending the Constitution of the State of North Dakota, Establishing and Locating a State Normal School in the City of Minot, County of Ward.
Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to section 216 of 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 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.

That section 216 of the constitution of the state of North Dakota be amended 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, namely:

First. A soldiers' 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. A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, 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 such place in one of the

counties of McHenry, Ward, Bottineau or Rolette as the electors of said counties may determine by an election for that purpose to be held as provided by the legislative assembly.

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.

Filed in the office of the secretary of state March 11, 1907.

CONCURRENT RESOLUTION.

[H. B. No. 169—Putnam]

For An Amendment to the Constitution of the State of North Dakota Providing for the Purchase of and Sale of School and Public Lands.

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 agreed to and referred to the eleventh legislative assembly of the said state for 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.

That section 158 of the constitution of the state of North Dakota be 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 moneys so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and all be at public auction and to the highest bidder after sixty days' advertisement of the same in a newspaper in general circulation in the vicinity of the land to be sold, and also published in a newspaper published at the county seat and also in a newspaper published at the seat of government. Such lands as shall not have been especially sub-

divided shall be offered in tracts of one quarter section and those subdivided in the smallest subdivision. 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 lands contracted to be sold by the state shall be subject to taxation from the date of such 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 and 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 herein; provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patent issued therefor.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[H. B. No. 325—Aaker]

For Amendment to the Constitution of the State of North Dakota, Relating to Revenue and Taxation.

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 agreed to and referred to the eleventh legislative assembly of the said state for 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.

That section 176 of the constitution of the state of North Dakota be amended so as to read as follows:

§ 176. Laws shall be passed taxing by uniform rule all property according to its true value in money, and the legislature may pass laws taxing incomes, but the property of the United States and the state, county and municipal corporations, both real and personal, shall be exempt from taxation, and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, fraternal, cemetery or charitable purposes, public hospitals under the control of religious or charitable societies, used wholly or in part for public charity, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; but the legislative assembly may, by

law, provide for the payment of a per centum of gross earnings of railroad companies to be paid in lieu of all state, county township and school taxes on property exclusively used in and about the prosecution of the business of such companies as common carriers, but no real estate of said corporations shall be exempted from taxation in the same manner and on the same basis as other real estate is taxed, except road-bed, right-of-way, shops and buildings, used exclusively in the business as common carriers, and whenever, and so long as such law providing for the payment of a per centum on earnings shall be in force, that part of section 179 of this article relating to assessment of railroad property shall cease to be in force.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[S. B. No. 334]

Amending Section 162 of the Constitution of the State of North Dakota, Relating to the Investment of Permanent School Funds.

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 adopted by the ninth legislative assembly of the state of North Dakota and by it referred to the tenth 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.

That section 162 of the constitution of the state of North Dakota be amended to read as follows:

§ 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, bonds of other states; provided, such states have never repudiated any of their indebtedness, or on first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[S. B. No. 302]

A CONCURRENT RESOLUTION Amending Section 158 of the Constitution of the State of North Dakota, Relating to the Sale of State Lands.

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 adopted by the ninth legislative assembly of the state of North Dakota and by it referred to the tenth 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 provision of section 202 of the constitution of the state of North Dakota:

AMENDMENT.

That section 158 of the constitution of the state of North Dakota be amended to read as follows:

§ 158. Minimum price of state lands. 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 in ten years, one-fifth in fifteen years and one-fifth in twenty years, with interest at the rate of not less than six per centum, payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, 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 lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest subdivisions. 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 any such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the state shall be subject to taxation from date of such 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 and thereupon the contracts of sale for such lands shall, at the election of the board of university and school lands, become null and void; and no such contract heretofore made shall be held void for non-payment of taxes accruing on the lands described therein; provided, such taxes shall have been paid before this amendment takes effect; provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patent issued therefor.

Filed in the office of the secretary of state March 23, 1907.

CONCURRENT RESOLUTION.

[S. B. No. 255—Little]

Amending the Constitution of the State of North Dakota, Relating to the Number of Judges of the Supreme Court.

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, adopted by the ninth legislative assembly of the state of North Dakota and by it referred to the tenth 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 for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT.

That section 89 of the constitution of the state of North Dakota be amended so as to read as follows:

§ 89. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain.

Filed in the office of the secretary of state March 23, 1907.

MEASURES VETOED.

PURCHASING ROAD MACHINERY.

[H. B. No. 300—Rose]

AN ACT to Amend Section 3213 of the Revised Codes of the State of North Dakota of 1905, Relating to Townships Purchasing Road Machinery.

Vetoed March 22, 1907.

APPOINTMENT OF BAILIFFS.

[H. B. No. 288—Treat]

AN ACT to Amend Section 434 of the Revised Codes of the State of North Dakota for 1905, Relating to the Appointment of Deputies and Bailiffs.

Vetoed March 22, 1907.

APPELLATE PROCEDURE.

[S. B. No. 33—Purcell]

AN ACT to Regulate the Practice in Appellate Courts, as to the Review of Errors Committed by Trial Courts in Ruling Upon Demurrers to Pleadings.

Vetoed March 22, 1907.