

# CONSTITUTIONAL AMENDMENTS

## CHAPTER 84.

(H. B. No. 10—Committee State Affairs.)

### CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Providing for the Future Amendment Thereof; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 202, Article 15 of the Constitution of the State of North Dakota, as amended by Article 16 of the amendments thereof, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 202 in Article 15 as amended by Article 16 of amendment. 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 an initiative petition of the electors; such petition shall be signed by twenty thousand 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 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.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 85.

(H. B. No. 9—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Changing the Debt Limit Thereof, and Providing for Issuing and Guaranteeing Bonds by the State, and Providing that Bonds Issued or Guaranteed by the State in Excess of Two Million Dollars Shall be Secured by First Mortgages on Certain Classes of Property, and Declaring that Said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Section 182, Article 12, of the Constitution of the State of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 182 in Article 12. The state may issue or guarantee the payment of bonds, provided that all bonds in excess of two million dollars shall be secured by first mortgages upon real estate in amounts not to exceed one-half of its value; or upon real and personal property of state-owned utilities, enterprises or industries in amounts not exceeding its value, and, provided further, that the state shall not issue or guarantee bonds upon property of state-owned utilities, enterprises or industries in excess of ten million dollars.

No future indebtedness shall be incurred by the state unless evidenced by a bond issue, which shall be authorized by law for certain purposes, to be clearly defined. Every law authorizing a bond issue shall provide for levying an annual tax, or make other provisions, sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall specially appropriate the proceeds of such tax, or of such other provisions, to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax or other provisions discontinued until such debt, both principal and interest, shall have been paid. No debt in excess of the limit named herein shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war or to provide for the public defense in case of threatened hostilities.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 86.

(H. B. No. 7—Committee State Affairs.)

## A CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Providing that no Act Granting a Franchise or Special Privilege, or Act Creating any Vested Right or Interest Other than in the State, Shall be Declared an Emergency Measure; and Providing that an Emergency Measure Shall Take Effect and be in Force From and After its Passage and Approval by the Governor; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 67, Article 2 of the Constitution of the state of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Sec. 67, in Article 2. No act of the legislative assembly shall take effect until July 1st after the close of the session, unless the legislature by a vote of two-thirds of the members present and voting, in each house, shall declare it an emergency measure, which declaration shall be set forth in the act, provided, however, that no act granting a franchise or special privilege, or act creating any vested right or interest other than in the state, shall be declared an emergency measure. An emergency measure shall take effect and be in force from and after its passage and approval by the governor.

BE IT FURTHER RESOLVED, that the said amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 87.

(H. B. No. 11—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota Relative to the Assessment of Improvements on Land and Authorizing a Tax on Lands for the Purpose of Indemnifying Owners of Growing Crops Against Damages by Hail; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 177, Article 11 of the Constitution of the State of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal

votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 177 in Article 11. The legislature may by law provide for the levy and collection of an acreage tax on lands within the state in addition to the limitations specified in Section 174 in Article 11 of the Constitution. The proceeds of such tax shall be used to indemnify the owners of growing crops against damages by hail, provided that lands used exclusively for public roads, rights of way of common carriers, mining, manufacturing or pasturage may be exempt from such tax.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

#### CHAPTER 88.

(H. B. No. 6—Committee State Affairs.)

#### A CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Changing the Number of Electors Required to Propose any Measure by Initiative Petition; by Changing the Time in Which the Initiative Petition May be Filed, and the Duties of the Secretary of State with Respect Thereto; by Reducing the Number of Signers Required for Referendum Petitions; by Providing for a Referendum on Emergency Measures and for Special Elections Thereon; by Providing for the Circulation of, and Designating the Force to be Given Such Petitions and the Publicity to be Given Thereto and Providing for Repeal or Amendment of Such Measures by the Legislature; and Declaring that said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Sec. 25, Article 2, of the Constitution of the State of North Dakota, as amended by Article 15 of the amendments thereof, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Sec. 25 in Article 2 as amended by Article 15 of Amendment. 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 the legislature.

The first power reserved is the initiative. Ten 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. Seven 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 the referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition 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.

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 statewide election designated in the petition, or at a 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. And such law shall go into effect on the 30th 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 if so ordered by the Governor, or if the referendum petition filed against it shall be signed by thirty 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 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 petitions, 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.

All measures submitted to the electors shall be published by the state as follows: "The Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title, to be submitted at any election. Any citizen, or the officers of any organization, may submit to the Secretary of State for publication in such pamphlet, arguments concerning any measure therein, upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the legislature, shall be the sum of two hundred dollars per page."

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 one 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 measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature, except upon a yea 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 treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 89.

(H. B. No. 12—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Authorizing the State, any County or City, to Make Internal Improvements, and to Engage in any Industry, Enterprise or Business not Prohibited by Article 20 of the Constitution of the State of North Dakota, and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following Amendment to Sec. 185, Article 12 of the Constitution of the State of North Dakota, as amended by Article 18 of the Amendments thereof, proposed by initiative petition by the people, which received a majority of all the votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said State, is hereby agreed to, to-wit:

Sec. 185 In Article 12 as amended by Article 18 of Amendment. The state, any county or city may make internal improvements and may engage in any industry, enterprise or business, not prohibited by Article 20 of the Constitution, but neither the state nor any political subdivision thereof shall otherwise loan or give its credit or make donations to or in aid of any individual, association or corporation except for reasonable support of the poor, nor subscribe to or become the owner of capital stock in any association or corporation.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 90.

(H. B. No. 8—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota Relative to the Purposes for Which Taxes Shall be Levied and Collected, and Providing for the Exemption of Certain Personal Property From Assessment and Taxation, and Granting Power to the Legislature to Raise Revenue and to Fix the Situs of Property for the Purpose of Taxation; and Declaring that Said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Sec. 176, Article 11 of the Constitution of the State of North Dakota, as amended by Article 20 of the amendments thereof, proposed by initiative petition by

the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said State, is hereby agreed to, to-wit:

Sec. 176, in Article 11 as amended by Article 20 of Amendment. 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 of the state, county and municipal corporations and property used exclusively for school, religious, cemetery, charitable or other public purposes shall be exempt from taxation. Except as restricted by this article, the legislature may provide for raising revenue and fixing the situs 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.

BE IT FURTHER RESOLVED, that the said amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

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## CONSTITUTIONAL AMENDMENTS PROPOSED

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### CHAPTER 91.

(H. B. No. 115—Miller.)

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#### CITY, TOWN AND SCHOOL DISTRICT.

An Act to Amend Section 183 of Article 12 of the Constitution of North Dakota Providing for the Debt Limit of any County, Township, City, Town, School District and Any Other Political Subdivision.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

That the following amendment to Sec. 183 of Article 12 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Sec. 202, as amended, of the Constitution of the State of North Dakota.

AMENDMENT) That Sec. 183 of the Constitution of the State of North Dakota be amended to read as follows:

Sec. 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per centum upon the assessed value of the taxable property