

ing corns, warts, callosities, bunions and arch disorders, or one who treats medically, mechanically or by physio therapy in a chiropodic manner the human foot.

§ 2. AMENDMENT.] That Section 8 of Chapter 95 of the Session Laws of 1929 is hereby amended and re-enacted to read as follows:

§ 8. Provided, however, that all chiropodists who have been engaged in the practice of chiropody in the State of North Dakota for twelve months immediately preceding the date of approval of this bill shall, upon furnishing proof thereof to the board and paying fee of ten dollars (\$10.00) be entitled to a license upon passing a satisfactory examination.

Approved March 1, 1935.

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 101

Senate Concurrent Resolution E—(Erickson and Thatcher)

ASSESSMENT OF PROPERTY—WHERE AND HOW MADE

A Concurrent Resolution to amend and re-enact Section 179 of Article 11 of the Constitution of the State of North Dakota as amended by Article 20 of the amendments thereto, relating to revenue and taxation.

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

That the following amendment to Section 179 of Article XI of the Constitution of the State of North Dakota, as amended by Articles 4, 20 and 44 of the amendments thereto, be agreed to and submitted to the qualified electors of the State of North Dakota for approval or rejection in accordance with the provisions of Section 202 of Article XV, as amended, of the Constitution of the State of North Dakota:

AMENDMENT.] That Section 179 of Article XI of the Constitution of the State of North Dakota, as amended by Articles 4, 20, and 44 of the amendments thereto, be amended and re-enacted to read as follows:

179. To the end that the burden of taxation may be equitable upon all property and in order that no property which is made subject to taxation shall escape, the Legislature is empowered to divide all property, both real and personal, and including franchise, privileges and licenses to do business in this state, into classes, and to

prescribe which property shall for taxation purposes belong to each class, and to determine what class or classes of property shall be subject to taxation and what property, if any, shall not be subject to taxation. Taxes shall be uniform on all property of the same class, and shall be assessed, levied and collected in such manner and at such time and by such board or officer or officers as the Legislature shall prescribe. The Legislature may provide by law for the levy and assessment by the State Board of Equalization, in lieu of all other state or local taxes thereon in the same class, of a per centum of the gross earnings or net incomes, as the Legislature shall prescribe, of the person, firm, corporation, co-partnership or association owning, using, renting or controlling the property belonging to any of said classes, but such per centum shall be uniform for each class, and all property of each of said persons, firms, corporations, co-partnerships or associations shall be subject to a paramount lien in favor of the state for the amount of such levy and assessment from the date of its assessment until the levy so made is paid. The Legislature may impose taxes upon incomes and occupations and taxes upon incomes and occupations may be graduated and progressive and reasonable exemptions may be provided. The property of a person, firm, corporation, co-partnership or association may belong to and be assessed partly in one class and partly in another according to its character and use as classified by the Legislature.

Filed March 5, 1935.

CHAPTER 102

House Concurrent Resolution A-4—(Jensen)

ELECTION, TERMS, COUNTY OFFICERS

A Concurrent Resolution providing for the amendment of Section 173 of Article 10 of the Constitution of North Dakota, as amended by Article 41 of the amendments thereof, and as amended by Chapter 84 of the 1933 Session Laws of the State of North Dakota, relating to county officers.

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

That the following proposed amendment to Section 173 of Article 10 of the Constitution of the State of North Dakota, as amended by Article 41 of the amendments thereof, and as amended by Chapter 84 of the 1933 Session Laws 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 173 of Article 10 of the Constitution of the State of North Dakota, as amended by Article

41 of the amendments thereof, and as amended by Chapter 84 of the 1933 Session Laws of the State of North Dakota, is hereby amended and re-enacted to read as follows:

§ 173. At the first general election held after the adoption of this amendment, and every two years thereafter, there shall be elected in each organized county in the state, 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 their office until their successors are elected and qualified; provided in counties having twelve thousand population, or less, the county judge shall also be the clerk of the district court. Provided further, that in counties having a population of six thousand (6,000), or less, the registrar of deeds shall also be clerk of the district court and county judge, provided a majority of the legal electors of said county, voting upon the question at any general, primary, or special election, shall approve such consolidation of said offices. The Legislative Assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

Filed March 8, 1935.

CHAPTER 103

Senate Concurrent Resolution W—(Green, Thatcher, and Lemke)

LEGISLATIVE POWER, INITIATIVE AND REFERENDUM

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:

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

That the following proposed amendment to Section 25 of Article 2 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 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 25 of Article 2 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 25. 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. 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. Twenty 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 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. 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. And 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 if so ordered by the Governor or if the referendum petition filed against it shall be signed by thirty-five 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 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 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 8, 1935.

CHAPTER 104

House Concurrent Resolution A-13—(Hanson of Benson)

SALE OF SCHOOL AND PUBLIC LANDS

A Concurrent Resolution providing for the amendment of Section 158 of Article 9 of the Constitution of North Dakota as amended by Article 13 of the Amendments thereof, relating to school and public lands.

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

That the following proposed amendment to Section 158 of Article 9 of the Constitution of the State of North Dakota as amended by Article 13 of the Amendments thereof, 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 158 of Article 9 of the Constitution of the State of North Dakota, as amended by Article 13 of the Amendments thereof, is hereby amended and re-enacted to read as follows:

§ 158. No land shall be sold for less than the appraised value and in no case be sold for less than ten dollars (\$10.00) 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 four 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 paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, 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 land 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 subdivided in the smallest subdivisions. All lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the state shall be subject to taxation from the date of 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 thereupon the contract of sale for such land shall, if the Board of University and School Lands so determine, become null and void. Any lands under the provision 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, further, that any school or institutional lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right of way or for other railroad uses and purposes, reservoirs for the storage of water for irrigation, drain ditches, and lands that may be required for any of the purposes over which the right of eminent domain may be exercised under the Constitution and the laws of the State of North Dakota, may be sold under the provisions of this act, and shall be paid for, principal and interest, in full in advance at the time of the sale, or at any time thereafter, and patent issued therefor, when

principal and interest are paid. Any of the said lands, including lands held in trust for any purpose, may, with the approval of the Board of University and School Lands, be exchanged for lands of the United States, as the Legislature may provide, and the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water and water power rights in lands so transferred by the state.

Filed March 7, 1935.

CHAPTER 105

Senate Concurrent Resolution M.—(Miklethun)

SALE, RENTAL AND DISPOSAL, SCHOOL AND UNIVERSITY LANDS.

A Concurrent Resolution providing for the amendment of Section 156 of Article 9 of the Constitution of North Dakota, relating to investment of funds arising from the sale, rental and disposal of school and university lands.

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

That the following proposed amendment to Section 156 of Article 9 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 Section 202 of the Constitution of the State of North Dakota.

§ I. AMENDMENT.] That Section 156 of Article 9 of the Constitution of the State of North Dakota be, and the same is, hereby amended to read as follows:

§ 156. The Superintendent of Public Instruction, Governor, Attorney General, Secretary of State and State Auditor shall constitute a Board of Commissioners, which shall be denominated the "Board of University and School Lands," and subject to the provisions of this article and any law that may be passed by the Legislative Assembly, said Board shall have control of the appraisalment, sale, rental and disposal of all school and university lands; and said Board shall direct the investment of the funds arising therefrom in the hands of the State Treasurer, under the limitations in Section 160 of this article, with power in the board to compromise the obligation, security, claim or demand resulting from any such investment, and fully satisfy the same upon payment or settlement in an amount less than the whole of the principal or interest, or both, then remaining unpaid which, in the sound judgment of the board, is deemed necessary to reduce loss.

Filed February 28, 1935.