

# CONSTITUTIONAL AMENDMENT

## NO. 1

Authorizing the Legislature to create separate Department of Labor, to determine the term of office and the manner in which the office is to be filled and to prescribe the duties and salary of the officer administering said department, and if such department is established, the Commissioner of Agriculture and Labor shall become the commissioner of Agriculture only.

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 com-

missioner, 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; and provided, however, the tax commissioner shall hold his office for the term of four years and until his successor is elected and duly qualified; 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 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 prescribed by law, but the salaries of any of the said officers shall not be increased or diminished

during the period for which they have been elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

Filed March 2, 1950

Shall Said Constitutional Amendment Be Approved?

YES —

NO —

# CONSTITUTIONAL AMENDMENT

## NO. 2

Eliminating the restriction on the sale of coal lands and requiring the reservation to the state of all minerals where original grant school lands are sold and authorizing the legislature to enact laws for the leasing of such land for the extraction and sale of such 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.

Filed March 6, 1959

Shall Said Constitutional Amendment Be Approved?

YES \_\_\_

NO \_\_\_

# CONSTITUTIONAL AMENDMENT

## NO. 3

Providing for 49 senatorial districts and 49 state senators and making it mandatory after each official census that the chief justice of the supreme court, attorney general, and secretary of state, and the majority and minority leaders of the house of representatives reapportion the members of the house of representatives, according to the constitutional provisions, if the legislative assembly fails to make an apportionment.

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 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 the 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.

Filed March 8, 1959.

Shall Said Constitutional Amendment Be Approved?

YES \_\_\_

NO \_\_\_



# CONSTITUTIONAL AMENDMENT

## NO. 4

Providing that revenue from aviation fuel taxes may be used for other than public highway purposes.

Senate Concurrent Resolution "CC", Chapter 439, 1959 Session Laws, proposed by the 6th 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.**

Filed March 6, 1959.

**Shall Said Constitutional Amendment Be Approved?**

YES —

NO —

**BE FAIR**

# **VOTE YES**

**FOR**

## **MORE and BETTER AIRPORTS Constitutional Amendment No. 4**

North Dakota needs more airports and landing strips for aircraft for the benefit of the farmer, rancher, businessman, small communities, cities and pilots.

**A YES VOTE ON CONSTITUTIONAL AMENDMENT NO. 4 WILL BENEFIT NORTH DAKOTA WITHOUT ANY NEW TAXES.**

- A yes vote will release frozen aviation gas tax funds, which have been accumulating since 1953, and put them to work for the benefit of aviation.
- Permits use of unclaimed aviation motor fuel refunds for the construction of new community landing fields for aircraft.
- The N. D. Legislature has enacted legislation which provides for the construction of community landing strips for aircraft, with funds which will be available immediately upon passage of this constitutional amendment.
- Will not affect highway user taxes which will continue to be dedicated entirely to County and State Highways.
- It is a fair measure. Your yes vote will modernize the constitution, in the air age, to permit the use of revenue from aviation fuel taxes for other than public highway purposes.

Prepared and sponsored by The Committee for More and Better Airports, Co-chairman—George Hammer, Reeder, President of the North Dakota Flying Farmers and Ranchers Association, and Ernest Hutson, Grafton, President of the North Dakota Aviation Operators Association.

# REFERRED MEASURE

## NO. 5

Authorizing small loan businesses to lend money of \$1,000.00 or less, and prescribing the maximum rate of interest which may be charged and to license and regulate such small loan businesses.

### BALLOT TITLE:

House Bill 537 which is an Act to define, license, and regulate the business of lending in amounts of one thousand dollars or less; to prescribe maximum rate of charge which licensees are permitted to make; to provide for the administration and enforcement of the Act by the state examiner, and prescribe penalties.

The full text of House Bill No. 537, Thirty-sixth Legislative Assembly of the State of North Dakota, (Chapter 136, 1959 Session Laws) is as follows:

An Act to define, license, and regulate the business of lending in amounts of one thousand dollars or less; to prescribe maximum rates of charge which licensees are permitted to make; to provide for the administration and enforcement of the Act by the state examiner, and to prescribe penalties.

### Be It Enacted By The People of the State of North Dakota:

SECTION 1. DEFINITIONS.) For purposes of this Act unless the context of subject matter otherwise requires:

1. "Person" means an individual, partnership, association, corporation and any other legal entity;
2. "License" means a permit, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business;
3. "License" means a person to whom one or more licenses have been issued.

SECTION 2. ADMINISTRATION.) The state examiner shall use the facilities of the banking department in administering and enforcing this Act. The state examiner may employ such employees as may be necessary to administer and enforce the provisions of this Act and may delegate his powers and duties under this Act to a deputy state examiner. Such deputy and employees shall not have a financial interest directly or indirectly in any business which is subject to this Act, or in any other business which is supervised by the state examiner, or in any similar business which is conducted under the authority of any law of the United States. All fees received by the state examiner under the provisions of this Act shall be credited to the general fund of this state.