

# No. 1 Constitutional Amendment

**Authorizing the budgets and appropriation measures for the Agricultural Experiment Stations and their substations and the Extension Division of the North Dakota State University of Agriculture and Applied Science to be separate from those of state educational institutions.**

House Concurrent Resolution "F", Chapter 452, 1963 Session Laws, proposed by the 38th Legislative Assembly of the state of North Dakota to provide for the Amendment of Subdivision (d) of Subsection 6 of Article 54 of the Amendments to the Constitution of the State of North Dakota relating to budgets and appropriations for institutions of higher learning by adding the words "The budgets and appropriation measures for the Agricultural Experiment Stations and their Substations and the Extension division of the North Dakota State University of Agriculture and Applied Science may be separate from those of State Educational Institutions." so as to read as follows:

**Be It Enacted By The People Of The State Of North Dakota:**

1. Amendment.) Subdivision (d) of subsection 6 of Article 54 of the Amendments to the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

## ARTICLE 54

6. (D). It shall be the duty of the heads of the several state institutions hereinbefore mentioned, to submit the budget requests for the biennial appropriations for said institutions to said state board of higher education; and said state board of higher education shall consider said budgets and shall revise the same as in its judgment shall be for the best interests of the educational system of the state; and thereafter the state board of higher education shall prepare and present to the state budget board and to the legislature a single unified budget covering the needs of all the institutions under its control. "Said budget shall be prepared and presented by the board of administration until the state board of higher education organizes as provided in section 6 (a)." The appropriations for all of said institutions shall be contained in one legislative measure. **The budgets and appropriation measures for the agricultural experiment stations and their substations and the extension division of the North Dakota State University of Agriculture and Applied Science may be separate from those of state educational institutions.**

Filed March 14, 1963.

Shall Said Constitutional Amendment Be Approved?

YES

NO

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# VOTE

# YES

## on measure no.

# 1

### WHAT IS MEASURE NO. 1 AND WHY IS YOUR "YES VOTE NEEDED?"

Measure No. 1, proposed by the 1963 Legislature, calls for a Constitutional change to permit the Legislature to consider the budget proposals of the Agricultural Experiment Station and Cooperative Extension Service separate from the Institutions of Higher Learning.

### A YES VOTE WILL . . . .

Based on a statement from the **Attorney General** of North Dakota, a "Yes" vote WILL:

1. Permit the Board of Higher Education to present to the Budget Board a budget for the Agricultural Experiment Station and Cooperative Extension Service separate from that of the Institutions of Higher Learning.
2. Permit the State Legislature to consider the budgets for the Agricultural Experiment State and Cooperative Extension Service at a different time and place than that of the budgets for the Institutions of Higher Learning.

### A YES VOTE WILL NOT . . . .

Based on a statement from the **Attorney General** of North Dakota, a "Yes" vote WILL NOT:

1. Change the manner in which funds for the Agricultural Experiment Station and Cooperative Extension Service are presently administered by N. D. State University.
2. Usurp the authority of either the Board of Higher Education or the administrative personnel of N. D. State University.

### THE LEGISLATIVE ACTION AND MEASURE NO. 1 HAVE BEEN ENDORSED BY:

Governor William L. Guy  
Don Halcrow (candidate for Governor)  
Robert P. McCarney (candidate for Governor)

Sponsored and paid for by:  
American Dairy Ass'n. of N. D.  
Greater North Dakota Ass'n.  
North Dakota Crop Improvement Ass'n.  
North Dakota Durum Growers.  
North Dakota Farm Bureau.  
North Dakota Stockman's Ass'n.  
Represented by Chuck Herman

# No. 2 Constitutional Amendment

**Repealing Section 39 of the State Constitution which prohibits any member of the legislature from being appointed or elected to civil office created during the term for which he shall have been elected or any office for which the compensation was increased during his term.**

House Concurrent Resolution "V", Chapter 453, 1963 Session Laws, proposed by the 38th Legislative Assembly of the State of North Dakota to repeal Section 39 of the Constitution of the State of North Dakota relating to legislators holding state civil office by omitting the words "No member of the Legislative Assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the governor, or governor and senate, during the term for which he shall have been elected."

## **Be It Enacted By The People Of The State Of North Dakota:**

1. Repeal.) Section 39 of the Constitution of the State of North Dakota is hereby repealed.

Filed March 14, 1963.

Shall Said Constitutional Amendment Repealing Section 39 Be Approved?

YES

NO

# No. 3 Constitutional Amendment

**Relating to the Office of Police Magistrate; changing the name to Municipal Judge and authorizing the legislature to provide for their selection or election, qualifications and jurisdiction.**

Senate Concurrent Resolution "T", Chapter 454, 1963 Session Laws, proposed by the 38th Legislative Assembly of the State of North Dakota to provide for the Amendment of Section 113 of the Constitution of North Dakota relating to the office of police magistrate by adding the words "selection or" before the word election; by adding the words "and the qualifications" after the word election; by omitting the words "police magistrates" and adding the words "municipal judges"; by omitting the words "in addition to their jurisdiction of all" and by adding the words "shall hear, try, and determine"; by omitting the words "shall be ex officio justices of the peace of the county in which said cities, towns and villages may be located. And the legislative assembly may confer upon said police magistrates the jurisdiction to hear, try, and determine all cases of misdemeanors, and the prosecutions therein shall be by information". And by adding the words "and shall have such other jurisdiction as the legislative assembly may confer upon them." so as to read as follows:

## **Be It Enacted By The People Of The State Of North Dakota:**

1. Amendment.) Section 113 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

113). The legislative assembly shall provide by law for the **selection or election and the qualifications of municipal judges** in cities, incorporated towns, and villages, who **shall hear, try, and determine** cases arising under the ordinances of said cities, towns and villages, **and shall have such other jurisdiction as the legislative assembly may confer upon them.**

Filed March 18, 1963.

Shall Said Constitutional Amendment Be Approved?

YES

NO

# No. 4 Initiated Constitutional Amendment

**Authorizes wagering on horse races and dog races; provides for a tax on such wagers and the distribution of the tax money.**

Submitted by initiative petition for an Amendment of Article I of the Amendments to the Constitution of North Dakota relating to wagering on horse and dog races by adding the words "except that nothing in this section shall be construed to prohibit wagering on the results of horse races and dog races by the pari-mutuel method, by which track operators shall be authorized to deduct twelve per centum (12%) of the total wagers, plus the odd cents of the redistribution over the lowest multiple of ten, for expense purposes and there shall be paid to the State Tax Commissioner for the State of North Dakota four per centum (4%) of the total wagers as total tax and license fee and shall be in lieu of all other and further excise and occupational taxes to the state or any county, city, town or other political subdivision. Revenue received by the State Tax Commissioner shall be distributed for educational needs and purposes of the State Department of Public Instruction and for Old Age Assistance. Racing may be conducted on any calendar day, three hundred sixty-five days a year." so as to read as follows:

## BALLOT TITLE

An act to amend Amendment 1 of the North Dakota Constitution granting to persons the right to wager on the results of horse racing and dog racing by the pari-mutuel method and providing for the payment of a tax on such wagers and the distribution of tax money received.

### **Be It Enacted By The People Of The State Of North Dakota:**

Amendment 1. The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets; **except that nothing in this section shall be construed to prohibit wagering on the results of horse races and dog races by the pari-mutuel method, by which the track operator shall be authorized to deduct twelve per centum (12%) of the total wagers, plus the odd cents of the redistribution over the lowest multiple of ten, for expense purposes and there shall be paid to the state tax commissioner for the State of North Dakota four per centum (4%) of the total wagers as total tax and license fee and shall be in lieu of all other and further excise and occupational taxes to the state or any county, city, town or other political subdivision. Revenue received by the State Tax Commissioner shall be distributed for educational needs and purposes of the State Department of Public Instruction and for old age assistance. Racing may be conducted on any calendar day, three hundred sixty-five days a year."**

Filed February 28, 1964.

Shall Said Initiated Constitutional Amendment Be Approved?

YES

NO

## No. 5 Initiated Constitutional Amendment

Changing from two years to four years the term of Office of the Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, Attorney General, Commissioner of Agriculture and Labor, and County Superintendent of Schools. Such terms beginning in 1965.

Submitted by initiative petition providing for the Amendment of Sections 71, 82, and 150 of the Constitution of the State of North Dakota relating to term of office for certain officials by omitting the following word in Section 71: "two" and by adding the words "four" and "beginning in the year 1965"; by omitting the following words in Section 82: "three public service commissioners", "two", "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, 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 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.", and by adding the words: "four", "beginning in the year 1965", and "The public service commissioners shall have the qualifications of a state elector, shall have attained the age of 25 years, be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, hold office at the seat of government and until their successors are elected and duly qualified. As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years."; by omitting the following word in Section 150: "two" and by adding the words "four", "beginning in the year 1964", and "This amendment shall be self executing, but legislation may be enacted to facilitate its operation." so-as to read as follows:

### BALLOT TITLE

An initiated measure for the amendment of Sections 71, 82 and 150 of the Constitution of the State of North Dakota providing for four year terms instead of two year terms for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, Attorney General, and Commissioner of Agriculture and Labor, and County Superintendent of Schools, beginning in the year 1965.

**Be It Enacted By The People Of The State Of North Dakota:**

Section 71 of Article III: The executive power shall be vested in a Governor, who shall reside at the seat of government and shall hold his office from the term of **four years beginning in the year 1965**, and until his successor is elected and duly qualified.

Section 82 of Article III: 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, 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 **four years beginning with the year 1965**, 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. 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 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. **The Public Service Commissioners shall have the qualifications of state electors, have attained the age of twenty-five years, be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, hold office at the seat of government and until their successors are elected and duly qualified. As each of the three Public Service Commissioners now holding office completes his term, his successor shall be elected for a term of six years.**

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.

Section 150 of Article VIII: A Superintendent of schools for each county shall be elected every **four years beginning in the year 1964**,

whose qualifications, duties, powers and compensation shall be fixed by law.

**This amendment shall be self executing, but legislation may be enacted to facilitate its operation.**

Filed, March 2, 1964.

Shall Said Initiated Constitutional Amendment Be Approved?

YES

NO



**VOTE YES (X)  
ON NO. 5**

**INITIATED  
CONSTITUTIONAL  
AMENDMENT**

For efficiency in State and County Government vote for 4-year terms for state officials and county superintendent of schools because:

1. County Superintendents of schools were not included in the 4-year term with other county officials
2. 35 states now have 4-year terms for state officials

**VOTE YES ON THE LAST MEASURE**