

CONSTITUTIONAL MEASURES, APPROVED

CHAPTER 445

CONTINUITY OF GOVERNMENT

House Concurrent Resolution "A", chapter 409, 1961 Session Laws, proposed by the 37th Legislative Assembly of the state of North Dakota providing for an amendment to the Constitution of the state of North Dakota granting powers to the legislative assembly to insure continuity of state and local governmental operations in periods of emergency resulting from disaster caused by enemy attack.

Be It Enacted by the People of the State of North Dakota:

§ 1.) The legislative assembly, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disaster caused by enemy attack, shall have the power and immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including, but not limited to, waiver of constitutional restrictions upon the place of transaction of governmental business, upon the calling of sessions of the legislative assembly, length of sessions, quorum and voting requirements, subjects of legislation and appropriation bill requirements, upon eligibility of legislators to hold other offices, residence requirements for legislators, and upon expenditures, loans or donations of public moneys. In the exercise of the powers hereby conferred the legislative assembly shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the legislative assembly so to do would be impracticable or would admit of undue delay.

Approved June 26, 1962.

56,097 to 46,646

Note: This was measure No. 1 on the primary election ballot.

CHAPTER 446

STATE BOND ISSUE

A constitutional amendment authorizing the state of North Dakota to issue its general obligation bonds and revenue bonds and use the proceeds to make loans to privately or cooperatively owned enterprises to plan, construct, acquire, equip, improve and extend facilities for converting natural resources into power and generating and transmitting such power, and to acquire real and personal property and water and mineral rights needed for such facilities, limiting the aggregate maximum amount of general obligation bonds for this purpose to an amount, with other such bonds, not exceeding 5% of the full and true value of the taxable property in the state, and authorizing the legislature to implement the same by appropriate legislation.

Be It Enacted by the People of the State of North Dakota:

§ 1.) Notwithstanding any other provision in the Constitution, and for the purpose of promoting the economic growth of the state, the development of its natural resources, and the prosperity and welfare of its people, the state may issue bonds and use the proceeds thereof to make loans to privately or cooperatively owned enterprises to plan, construct, acquire, equip, improve, and extend facilities for converting natural resources into power and generating and transmitting such power, and to acquire real and personal property and water and mineral rights needed for such facilities.

§ 2.) The state may issue general obligation bonds for this purpose to an amount which, with all outstanding general obligation bonds, less the amount of all money on hand and taxes in process of collection which are appropriated for their payment, will not exceed five percent of the full and true value of all of the taxable property in the state, to be ascertained by the last assessment made for state and county purposes: but nothing herein shall increase or diminish the limitations established by other provisions of the Constitution on the amount of bonds therein authorized to be issued.

§ 3.) The state may also issue revenue bonds for the purpose of providing part or all of the funds required for any project undertaken under section 1, payable solely from sums realized from payments of principal and interest on money loaned for such project, and from other similar projects if so determined by the legislature, and from the liquidation of security given for such payments. Revenue bonds issued for any project shall not exceed the cost thereof, including all expenses reasonably incurred to complete and finance the project, but shall not be subject to any other limitation of amount.

§ 4.) The full faith and credit of the state shall be pledged for the prompt and full payment of all bonds issued under section 2. Its obligation with respect to bonds issued under section 3 shall be limited to the prompt and full performance of such covenants as the legislature may authorize to be made respecting the enforcing of the provisions of underlying loan agreements and the segregation, accounting, and application of bond proceeds and of loan payments and other security pledged for the payment of the bonds. All bonds authorized by sections 1 to 3, inclusive, shall mature within forty years from their respective dates of issue, but may be refunded at or before maturity in such manner and for such term and upon such conditions as the legislature may direct. Any such bonds may, but need not be, secured by mortgage upon real or personal property acquired with the proceeds of the same or any other issue of general obligation or revenue bonds, or upon other property mortgaged by the debtor. Pledges of revenues and mortgages of property securing bonds of any issue may be prior or subordinate to or on a parity with pledges and mortgages securing any other issue of general obligation or revenue bonds, as determined by the legislature from time to time in conformity with any provisions made for the security of outstanding bonds.

§ 5.) The legislature shall pass such laws as are appropriate to implement this amendment.

§ 6.) If any section of this amendment, or any part of a section, or any application thereof to particular circumstances should be held invalid for any reason, such invalidity shall not affect the validity of all remaining provisions of this amendment which may be given effect without that which is declared invalid, as applied to any circumstances: and for this purpose all sections and parts of sections and applications thereof are declared to be severable.

Approved November 6, 1962.

105,787 to 84,112

Note: This was measure No. 1 on the general election ballot.

CHAPTER 447

COUNTY OFFICIALS' TERMS

An initiated constitutional amendment to amend and reenact section 173 of Article X of the Constitution of the state of North Dakota, as amended, to provide that the register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge, and clerk of the district court shall hold their office for a term of four years.

Be It Enacted by the People of the State of North Dakota:

§ 173.) There shall be elected in each county, organized under the provisions of section 172 of the Constitution of the state of North Dakota, 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 for a term of four years and until their successors are elected and qualified; provided in counties having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having population of six thousand or less the register of deeds shall also be clerk of the district court and county judge. This amendment shall be construed as applying to the officers elected at the general election in 1962. This amendment shall be self-executing, but legislation may be enacted to facilitate its operation.

Approved November 6, 1962.

111,733 to 91,924

Note: This was measure No. 2 on the general election ballot.