

# CONSTITUTIONAL AMENDMENTS, PROPOSED

## CHAPTER 588

### SENATE CONCURRENT RESOLUTION NO. 5

(Lips)

#### CHANGING METHOD OF SELECTION OF TAX COMMISSIONER AND SUPERINTENDENT OF PUBLIC INSTRUCTION

A concurrent resolution for the amendment of section 82 of the Constitution of the state of North Dakota, changing the selection of the superintendent of public instruction and tax commissioner from election to appointment by the governor with the consent of the senate.\*

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

That the following proposed amendment to section 82 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota at the general election to be held in 1970, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended, provided however that this proposed amendment shall not be submitted at said election in the event the people by election shall have called for a constitutional convention prior to such general election in 1970.

**Section 1. Amendment.)** Section 82 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

**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, commissioner of insurance, an attorney general, and a commis-

\*Note: Chapter 593, 1969 S. L., also proposed amendment to section 82 of the Constitution.

sioner of agriculture and labor. The governor, with the consent of the senate, shall appoint to serve at his pleasure a superintendent of public instruction and a tax commissioner beginning with the year 1973, who, together with the elected state officials, shall have attained the age of twenty-five years and shall have the qualifications of state electors. The secretary of state, auditor, treasurer, attorney general, commissioner of insurance, and the commissioner of agriculture and labor 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 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. Each of the three public service commissioners 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.

Filed March 27, 1969.

## CHAPTER 589

## SENATE CONCURRENT RESOLUTION NO. 6

(Trenbeath, Torgerson)

## POLITICAL SUBDIVISION DEDICATED REVENUE BONDS

A concurrent resolution for the amendment of the Constitution of the state of North Dakota, relating to issuance of dedicated bonds by political subdivisions of the state and providing the methods for repayment thereof.

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

That the Constitution of the state of North Dakota be amended by adding thereto the following section which is agreed to and which shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the general election in 1970, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended, provided, however, that this proposed amendment shall not be submitted at said election in the event the people by election shall have called for a constitutional convention prior to such general election in 1970.

**Section 1. Amendment.)** The Constitution of the State of North Dakota shall be amended by adding thereto the following section:

Notwithstanding sections 175, 176, 179, 183, 184, and 185, or other provisions of this Constitution, political subdivisions of the state of North Dakota may incur indebtedness by the issuance of dedicated bonds for such purposes, amounts, manner, and subject to such limitations as shall be prescribed by law.

A dedicated bond as used in this section means an instrument of indebtedness, either incurred or to be incurred for which certain taxes, moneys, income or revenue, except ad valorem taxes on either personal or real property, or special assessments on personal or real property, are irrevocably pledged and dedicated for the retirement of said indebtedness. The legislature shall prescribe the manner and conditions under which payment from any fund may be made in the event the dedicated funds are inadequate to pay principal or interest when due, or when default is imminent, and the manner and conditions in which repayments shall be made to the funds drawn upon. The legislature may sub-

stitute other funds for dedicated funds but it shall not destroy the effect of the pledged or dedicated revenues, moneys, or income for any bond issue.

Nothing herein shall affect the obligations of municipal bonds payable in whole or in part from special assessments, or other taxes levied on all taxable property for the payment of any deficiency in special assessment bonds, or other funds pledged to payment of such bonds.

Filed March 27, 1969.

## CHAPTER 590

## SENATE CONCURRENT RESOLUTION NO. 7

(Ringsak, Hernett, Sands, Jacobson, Mutch)  
(Morgan, Chesrown)

## LEGISLATIVE COMPENSATION COMMISSION

A concurrent resolution for the amendment of section 45 of the Constitution of the State of North Dakota, relating to compensation of members of the Legislative Assembly and providing an independent commission to set legislative pay and compensation.

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

That the following proposed amendment to section 45 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the general election to be held in 1970 in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

**Section 1. Amendment.)** Section 45 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

**SECTION 45.** There is hereby established a Legislative Compensation Commission to establish salaries and expense allowances for the members of the Legislative Assembly.

The Compensation Commission shall consist of five members appointed by the governor for terms, and with powers, duties, and functions as prescribed by law.

Filed February 28, 1969.

## CHAPTER 591

## SENATE CONCURRENT RESOLUTION NO. 15

(Becker)

## POLITICAL SUBDIVISION DEBT LIMITS

A concurrent resolution for the amendment of section 183 of the Constitution of the state of North Dakota, relating to the debt limits of political subdivisions.

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

That the following proposed amendment to section 183 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota at the general election to be held in 1970, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended, provided, however, that this proposed amendment shall not be submitted at such election in the event the people by election shall have called for a constitutional convention prior to such general election in 1970.

**Section 1. Amendment.)** Section 183 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

**SECTION 183.** The debt of any county, township, city, school district or any other political subdivision, shall never exceed seven per centum upon the assessed value of the taxable property therein; provided that any incorporated city, may by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said seven per centum limit, and a school district, by a majority vote may increase such indebtedness five percent on such assessed value beyond said seven per centum limit; provided also that any county or city by a majority vote may issue bonds upon any revenue producing utility owned by such county or city, or for the purchasing or acquiring the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise.

In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount, exclusive of the bonds upon said revenue producing utilities, whether contracted prior or subsequent to the adoption of this Constitution, shall be included; provided further that any incorporated city may become indebted in any amount not exceeding five per centum of such assessed value without regard to the existing indebtedness of such city for the purpose of constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purposes whatever. All bonds and obligations in excess of the amount of indebtedness permitted by this Constitution, given by any city, county, township, school district, or any other political subdivision shall be void.

Filed March 27, 1969.

## CHAPTER 592

## SENATE CONCURRENT RESOLUTION NO. 17

(Holand, Torgerson)

## BOND ISSUE FOR VIET NAM VETERANS

A concurrent resolution for a constitutional amendment authorizing the issuance of bonds of the state of North Dakota and the expenditure of the proceeds for the payment of adjusted compensation to North Dakota veterans of the Viet Nam conflict.

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

That the following proposed amendment to the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in September 1970 in accordance with the provisions of section 202 of the Constitution of the state of North Dakota.

**Section 1. Amendment.)** The Constitution of the state of North Dakota shall be amended by adding thereto the following article:

The legislative assembly of the state of North Dakota is hereby authorized and empowered to provide by legislation for the issuance, sale, and delivery of bonds of the state of North Dakota in such principal amounts as determined by the legislative assembly to be necessary for the payment of adjusted compensation to North Dakota veterans of the Viet Nam conflict. Such adjusted compensation shall be paid from the proceeds of the bonds at rates equal to the rates provided by law for adjusted compensation paid by the state of North Dakota to veterans of World War II and the Korean conflict on the basis of terms of service and such other terms and conditions as the legislative assembly may provide. Grants or stipends paid pursuant to law by the state of North Dakota to any veteran for educational assistance shall be deducted from the adjusted compensation otherwise payable to such veteran.

Filed March 11, 1969



## CHAPTER 593

## SENATE CONCURRENT RESOLUTION NO. 24

(Ringsak, Torgerson, Morgan, Wilhite)

REMOVAL OF TERM LIMITATION  
ON STATE TREASURER

A concurrent resolution for the amendment of section 82 of the Constitution of the state of North Dakota, relating to removing the term limitation on the eligibility of a person to seek the office of state treasurer.\*

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

That the following proposed amendment to section 82 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota at the general election to be held in 1970, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

**Section 1. Amendment.)** Section 82 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

**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, 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, and until their successors are elected and duly qualified.

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.

\*Note: Chapter 588, 1969 S. L. also proposed amendment to section 82 of the Constitution.

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.

Filed March 27, 1969.

## CHAPTER 594

## SENATE CONCURRENT RESOLUTION NO. 62

(Hernett, Longmire, Meschke, Trenbeath)

INVESTMENT OF INSTITUTIONAL TRUST  
FUNDS

A concurrent resolution for an amendment of sections 153 and 156 and to repeal sections 159 and 162 of the North Dakota Constitution, all relating to the use and investment of trust funds of the common schools and state educational, penal, and charitable institutions.

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

That the following amendments to sections 153 and 156 and the repeal of sections 159 and 162 of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the primary election to be held in 1970 in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

**Section 1. Amendment.)** Section 153 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

**SECTION 153.** All proceeds of the public lands that have heretofore been, or may hereafter be granted by the United States for the support of the common schools in this State; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the state by escheat; all gifts, donations, or the proceeds thereof that come to the state for support of the common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a perpetual trust fund for the maintenance of the common schools of the state. Only the interest and income of the fund may be expended and the principal shall be retained and devoted to the trust purpose. All property, real or personal, received by the state from whatever source, for any specific educational or charitable institution, unless otherwise designated by the donor, shall be and remain a perpetual trust fund for the creation and maintenance of such institution, and may be com-

mingled only with similar funds for the same institution. Should a gift be made to an institution for a specific purpose, without designating a trustee, such gift may be placed in the institution's fund; provided that such a donation may be expended as the terms of the gift provide.

The interest and income of each institutional trust fund held by the state shall, unless otherwise specified by the donor, be appropriated by the legislative assembly to the exclusive use of the institution for which the funds were given.

**Section 2. Amendment.)** Section 156 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

**SECTION 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 appraisement, sale, rental, and disposal of all school and university lands, and the proceeds from the sale of such lands shall be invested as provided by law.

**Section 3. Repeal.)** Sections 159 and 162 of the North Dakota State Constitution are hereby repealed.

Filed March 27, 1969.

## CHAPTER 595

## HOUSE CONCURRENT RESOLUTION NO. 16

(Kelsch)

## CONSTITUTIONAL CONVENTION

A concurrent resolution to direct the secretary of state to place on the 1970 statewide primary election ballot a proposed constitutional amendment regarding a constitutional convention and the question of whether a constitutional convention shall be called.

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

That the following proposed new section in amendment of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in 1970, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended, and that the secretary of state is directed to place a question on the ballot for the primary election to be held in 1970 in the form provided in section 2 of this resolution.

**Section 1.** A constitutional convention shall be called for the purpose of proposing a new Constitution, or revision or amendment of the existing Constitution. Such convention shall be called and conducted, and delegates thereto shall be chosen in the manner provided by law.

A constitutional convention called by a majority affirmative vote on this question shall be called and conducted as provided by law, and the proposed revision or amendment of the Constitution resulting from such shall be submitted by such convention directly to the people of North Dakota for approval or disapproval at the statewide special election called by the governor as provided by law.

**Section 2. Question for the Electors of North Dakota.)** The question of adoption of the constitutional amendment proposed in section 1 and the calling of the convention shall be stated on the primary election ballot as follows:

**Shall the Constitutional Amendment Proposed in Section 1 Be Adopted and Shall a Constitutional Convention Be Called for the Purpose of Revising the Constitution of the State of North Dakota and Submission of the Revised Constitution To The People of North Dakota for Approval or Disapproval?**

Yes ( )

No ( )

Filed March 27, 1969.