

# CONSTITUTIONAL AMENDMENTS, APPROVED

## CHAPTER 654

### STATE PROPERTY TAX AUTHORITY

House Concurrent Resolution No. 3009, chapter 703, 1979 Session Laws, proposed by the Forty-sixth Legislative Assembly of the State of North Dakota, providing for the amendment of section 174 of the Constitution of North Dakota, relating to legislative authority to provide a four-mill property tax levy to defray the expenses of the state, and providing that the legislative assembly may not raise revenue for the state through a property tax.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 174 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 174. The legislative assembly shall ~~provide for~~ be prohibited from raising revenue sufficient to defray the expenses of the state for each year, not to exceed in any one year four (4) mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes, and also a sufficient sum to pay the interest on the state debt through the levying of a tax on the assessed value of real or personal property.

Approved September 2, 1980

63,699 to 56,618

NOTE: This was measure No. 2 on the primary election ballot.

## CHAPTER 655

## JUDICIAL OFFICERS

Senate Concurrent Resolution No. 4006, chapter 706, 1979 Session Laws, proposed by the Forty-sixth Legislative Assembly of the State of North Dakota, providing for the amendment of section 173 of the Constitution of North Dakota, relating to the election of certain county officials, and for the repeal of subsection 6 of section 69 of the Constitution of North Dakota, relating to the jurisdiction of police magistrates, constables, and justices of the peace, and providing for an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 173 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 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.

SECTION 2. REPEAL. Subsection 6 of section 69 of the Constitution of the State of North Dakota is hereby repealed.

SECTION 3. ELECTION OF CLERK OF THE DISTRICT COURT AND EFFECTIVE DATE. In counties having populations of fifteen thousand or less but more than six thousand, a clerk of the district court

shall be elected at the general election in 1982. The provisions of section 1 of this resolution, if approved by the people, shall take effect on January 1, 1983. The provisions of sections 2 and 3 of this resolution, if approved by the people, shall take effect thirty days after certification of approval. This section need not be printed as part of the permanent codification of the Constitution of the State of North Dakota.

Approved September 2, 1980

58,827 to 50,643

NOTE: This was measure No. 5 on the primary election ballot.

## CHAPTER 656

## STATE BOND SECURITY

Senate Concurrent Resolution No. 4004, chapter 708, 1979 Session Laws, proposed by the Forty-sixth Legislative Assembly of the State of North Dakota, providing for the amendment of section 182 of the Constitution of North Dakota, relating to the security of bonds issued or guaranteed by the state.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 182 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 182. The state may issue or guarantee the payment of bonds, provided that all bonds in excess of two million dollars shall be secured by first mortgage upon real estate in amounts not to exceed ~~one-half~~ sixty-five percent of its value; or upon real and personal property of state-owned utilities, enterprises, or industries, in amounts not exceeding its value, and provided further, that the state shall not issue or guarantee bonds upon property of state-owned utilities, enterprises, or industries in excess of ten million dollars.

No further indebtedness shall be incurred by the state unless evidenced by a bond issue, which shall be authorized by law for certain purposes, to be clearly defined. Every law authorizing a bond issue shall provide for levying an annual tax, or make other provision, sufficient to pay the interest semiannually, and the principal within thirty years from the date of the issue of such bonds and shall specially appropriate the proceeds of such tax, or of such other provisions to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax or other provisions discontinued until such debt, both principal and interest, shall have been paid. No debt in excess of the limit named herein shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war or to provide for the public defense in case of threatened hostilities.

Approved November 4, 1980

132,014 to 125,973

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

## CHAPTER 657

## COAL DEVELOPMENT IMPACT TRUST FUND

House Concurrent Resolution No. 3088, chapter 712, 1979 Session Laws, proposed by the Forty-sixth Legislative Assembly of the State of North Dakota, providing for the creation of a coal development impact trust fund and providing for an effective date.

BE IT ENACTED BY THE PEOPLE 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:

Not less than fifteen percent of the tax imposed for severing coal shall be placed into a permanent trust fund in the state treasury to be held in trust and administered by the board of university and school lands, which shall have full authority to invest said trust funds as provided by law, and may loan moneys from the fund to political subdivisions as provided by law. The interest earned on the moneys in said trust fund shall be used first to replace uncollectable loans made from the fund, and the balance shall be credited to the general fund of the state.

SECTION 2. EFFECTIVE DATE. The provisions of this resolution, if approved by the people, shall take effect on January 1, 1981.

Approved November 4, 1980

154,590 to 104,762

NOTE: This was measure No. 5 on the general election ballot.