

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3071

Introduced by

Representatives Brusegaard, Kasper

1 A concurrent resolution for the amendment of section 18 of article X of the Constitution of North
2 Dakota, relating to the use of public funds.

3 **STATEMENT OF INTENT**

4 This measure makes it a prima facie crime for a public official to vote to misappropriate public
5 funds.

6 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
7 **SENATE CONCURRING THEREIN:**

8 That the following proposed amendment to section 18 of article X of the Constitution of
9 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at
10 the primary election to be held in 2004, in accordance with section 16 of article IV of the
11 Constitution of North Dakota.

12 **SECTION 1. AMENDMENT.** Section 18 of article X of the Constitution of North Dakota
13 is amended and reenacted as follows:

14 **Section 18.** The state, any county, or any city may make internal improvements and
15 may engage in own and operate any industry, enterprise, or business, not prohibited by article
16 XX of the constitution, but neither if the profits are deposited in the general fund of the state,
17 county, or city. Neither the state nor any political subdivision thereof shall otherwise of the
18 state may loan or, give its credit, or make donations to or in aid of any individual, association or
19 corporation organization except for reasonable support of the poor, nor may the state or any
20 political subdivision subscribe to or become the owner of capital stock in any association or
21 corporation organization. Any public official who votes to appropriate public funds in violation of
22 this section is guilty of misappropriation of public funds. The state auditor shall investigate
23 each complaint of the appropriation of public funds contrary to this section, and if the
24 investigation discloses an apparent violation of this section, the state auditor shall refer the
25 matter to the proper authority for prosecution. The public record of the vote for an appropriation

- 1 in violation of this section is prima facie evidence that a crime has been committed. This
- 2 section is self-executing.