

# CONSTITUTIONAL AMENDMENTS, PROPOSED

## CHAPTER 702

SENATE CONCURRENT RESOLUTION NO. 4042  
(Wenstrom)

### SALARIES OF PUBLIC OFFICERS

A concurrent resolution for the amendment of section 84 of the North Dakota Constitution, relating to the salaries of public officers.

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 84 of the North Dakota Constitution is agreed to and shall be submitted to the qualified electors of the State of North Dakota at the primary election to be held in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 84 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 84. Salaries of public officers shall be as prescribed by law, but the salaries of any of the said officers shall not be ~~increased--or~~ diminished during the period for which they shall have been elected, ~~and all~~. All fees and profits arising from any of the said offices shall be ~~covered into~~ deposited in the state treasury.

Filed March 7, 1979

## CHAPTER 703

HOUSE CONCURRENT RESOLUTION NO. 3009  
(Kingsbury, A. Hausauer)

## STATE PROPERTY TAX AUTHORITY

A concurrent resolution to amend and reenact section 174 of the Constitution of the State 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 RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendment to section 174 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 primary election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

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.

Filed March 22, 1979

## CHAPTER 704

HOUSE CONCURRENT RESOLUTION NO. 3011  
(Kingsbury, A. Hausauer)

## STATE MEDICAL CENTER MILL LEVY

A concurrent resolution to repeal article 60 of the amendments to the Constitution of the State of North Dakota, relating to a one-mill levy on all taxable property within the State of North Dakota for the North Dakota state medical center at the University of North Dakota.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed repeal of article 60 of the amendments 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 at the primary election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1. REPEAL.) Article 60 of the amendments to the Constitution of the State of North Dakota is hereby repealed.

Filed March 22, 1979

## CHAPTER 705

HOUSE CONCURRENT RESOLUTION NO. 3062  
(Backes, Strinden)

## TAXATION OF PROPERTY

A concurrent resolution for the amendment of section 176 of the Constitution of the State of North Dakota, relating to the taxation of property.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendment to section 176 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 primary election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 176 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 176. Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax. ~~The legislature~~ legislative assembly may by law exempt any or all classes of personal property from taxation and within the meaning of this section, fixtures, buildings and improvements of every character, whatsoever, upon land shall be deemed personal property. The property of the United States, except as the Congress of the United States shall authorize taxation of it, and of the state, county and municipal corporations and property used exclusively for schools, religious, cemetery, charitable or other public purposes shall be exempt from taxation. ~~Except as restricted by this Article, the legislature~~ The legislative assembly may provide for raising revenue and fixing the situs of all property for the purpose of taxation. ~~Provided that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.~~

Filed March 22, 1979

## CHAPTER 706

SENATE CONCURRENT RESOLUTION NO. 4006  
(Legislative Council)  
(Interim Committee on Judicial System)

## JUDICIAL OFFICERS

A concurrent resolution for the amendment of section 173 of the Constitution of the State of North Dakota, relating to the election of certain county officials; for the repeal of subsection 6 of section 69 of the Constitution of the State of North Dakota, relating to the jurisdiction of police magistrates, constables, and justices of the peace; and providing an effective date.

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 173 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 primary election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

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.

Filed March 26, 1979

## CHAPTER 707

SENATE CONCURRENT RESOLUTION NO. 4061  
(Melland)

## EMOLUMENTS OF OFFICE

A concurrent resolution to repeal section 39 of the Constitution of the State of North Dakota, relating to the appointment or election of members of the Legislative Assembly to other offices, the emoluments of which have been increased during those legislators' terms of office.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA,  
THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed repeal of section 39 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 primary election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

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

Filed March 26, 1979

## CHAPTER 708

SENATE CONCURRENT RESOLUTION NO. 4004  
 (Legislative Council)  
 (Interim Committee on Constitutional Revision)

### STATE BOND SECURITY

A concurrent resolution to amend section 182 of the Constitution of the State of North Dakota, relating to the security of bonds issued or guaranteed by the state.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA,  
 THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following amendment of section 182 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 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

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.

Filed March 7, 1979

## CHAPTER 709

HOUSE CONCURRENT RESOLUTION NO. 3002  
(Legislative Council)  
(Interim Committee on Constitutional Revision)

## LEGISLATIVE COMPENSATION

A concurrent resolution to create a new section of the Constitution of the State of North Dakota relating to legislative reimbursement; to repeal section 45 of the Constitution of the State of North Dakota, relating to legislative salaries and mileage; and providing an effective date.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed creation of a new section of the Constitution of the State of North Dakota, and the repeal of section 45 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 November 1980 general election, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1.) A new section of the Constitution of the State of North Dakota is hereby created to read as follows:

Each member of the legislative assembly shall receive a salary and expense allowance as provided by law.

SECTION 2. REPEAL.) Section 45 of the Constitution of the State of North Dakota is hereby repealed.

SECTION 3. EFFECTIVE DATE.) If approved by the voters, this measure shall be effective December 1, 1982.

Filed March 22, 1979

## CHAPTER 710

HOUSE CONCURRENT RESOLUTION NO. 3001  
 (Legislative Council)  
 (Interim Committee on Constitutional Revision)

### LEGISLATIVE ARTICLE

A concurrent resolution to create a new article II of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 26 through 44 and sections 46 through 70 of the present article II of the Constitution of the State of North Dakota, relating to the legislative assembly; and providing an effective date.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed creation of a new article II and the repeal of sections 26 through 44 and sections 46 through 70 of the present article II 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 November 1980 general election, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1.) A new article II of the Constitution of the State of North Dakota is hereby created to read as follows:

#### ARTICLE II LEGISLATIVE ASSEMBLY

Section 1. The senate shall be composed of not less than thirty nor more than fifty-two members, and the house of representatives shall be composed of not less than sixty nor more than one hundred four members, which jointly are designated as the legislative assembly of the State of North Dakota.

Section 2. Senators shall be elected for terms of four years, and representatives for terms of two years.

Section 3. Each person elected to the legislative assembly must be, on the day of his election, a qualified elector in the district from which he is chosen and have been a resident of the state for one year next preceding his election.

Section 4. While serving in the legislative assembly, no member may hold any full-time elective state or political subdivision office nor any full-time appointive state office established by this Constitution or designated by law. During the term for which he was elected, no legislator shall be appointed to any full-time office which has been created, or for which the compensation has been increased, by the legislative assembly during that term.

Section 5. The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts as thus ascertained and determined after the 1980 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as practicable, that every person is equal to every other person in the state in the casting of ballots for legislative candidates. One senator and at least two representatives shall be apportioned to each senatorial district and be elected at large or from subdistricts thereof. The legislative assembly may combine two senatorial districts only when a single-member senatorial district includes a federal facility or federal installation, containing over three-fourths of the population of a single-member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts thereof.

Section 6. The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate, as nearly as practicable, are elected biennially.

Section 7. The terms of legislators shall begin on the first day of December following their election.

The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes as provided by law and shall thereafter recess until twelve noon on the first Tuesday after the third day in January or at such other time as may be prescribed by law but not later than the eleventh day of January.

Each regular session of the legislative assembly shall not exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly shall not be counted as part of such eighty natural days, nor shall days spent in session at the call of the governor or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

Neither house may recess or adjourn for more than three days without consent of the other.

Section 8. The house of representatives shall elect one of its members presiding officer at the beginning of each organizational session.

A majority of the members elected to each house shall constitute a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

Each house is the judge of the qualifications of its members, but election contests shall be subject exclusively to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by lot.

Each house shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, either house may expel a member.

Section 9. Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those present. No bill shall become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor shall be considered a member-elect of the senate when he votes.

No law shall be enacted except by a bill passed by both houses, and no bill shall be so amended on its passage through either house as to change its general subject matter. No bill shall embrace more than one subject, which shall be expressed in its title; but a law violating this provision shall be invalidated only to the extent the subject is not so expressed.

Every bill shall be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill shall be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once on the journal.

Every law enacted by the legislative assembly shall take effect on July first after its filing with the secretary of state or ninety days after its filing, whichever comes later, or on a subsequent date if specified in the law unless, by a separate vote of two-thirds of the members elected to each house, the legislative

assembly declares it an emergency measure and includes the declaration in the act. An emergency measure shall take effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly shall take effect on a date specified in the act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this Constitution. Except as otherwise provided in this Constitution, no local or special laws shall be enacted, nor shall the legislative assembly indirectly enact special or local laws by the partial repeal of a general law, but laws repealing local or special laws may be enacted.

Section 10. All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, shall be open and public.

Section 11. Members of the legislative assembly shall be immune from arrest during their attendance at the sessions, and in going to or returning from the same, except in cases of felony or breach of the peace. For words used in any speech or debate in legislative proceedings, they shall not be questioned in any other place.

Section 12. The legislative assembly may by law submit to the electors the question: "Shall a constitutional convention be called?" If the question has not been submitted once in any thirty-year period, the secretary of state shall place it on the ballot at the next general election. If a majority of votes cast thereon are affirmative, the legislative assembly shall provide for the election of delegates and the holding of the convention.

Section 13. The legislative assembly shall provide for the appointment of an auditor general. He shall audit the receipt, expenditure, and use of public funds, as provided by law, and shall be responsible to the legislative assembly in the performance of those duties.

SECTION 2. REPEAL.) Sections 26 through 44 and sections 46 through 70 of the Constitution of the State of North Dakota are hereby repealed.

SECTION 3. EFFECTIVE DATE.) If approved by the voters, this measure shall be effective December 1, 1982.

Filed March 26, 1979

## CHAPTER 711

HOUSE CONCURRENT RESOLUTION NO. 3005  
(Legislative Council)  
(Interim Committee on Constitutional Revision)

## EXECUTIVE ARTICLE

A concurrent resolution creating a new article III of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to executive branch organization, to the powers and duties of the governor, and to gubernatorial succession; to repeal article III, consisting of sections 71 through 84, of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and providing an effective date.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed creation of a new article III and the following proposed repeal of the present article III 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 general election to be held in 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

SECTION 1.) Article III of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Section 71. 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, a commissioner of labor, a tax commissioner, and three public service commissioners.

The tax commissioner and the superintendent of public instruction shall be elected on a no-party ballot in a manner provided by law.

The powers and duties of the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, public service commissioners, attorney general, and commissioners of agriculture and labor shall be prescribed by law.

Section 72. The governor and lieutenant governor shall be elected on a joint ballot. Each vote cast for a candidate for governor shall be deemed cast also for the candidate for lieutenant governor nominated jointly with the candidate for governor. The joint candidates having the highest number of votes shall be declared elected, but if two or more joint candidates shall have an equal and highest number of votes for governor and lieutenant governor, the legislative assembly at its next regular session shall in joint session choose one pair of such joint candidates for the offices. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

The chief executives of the principal departments, other than those elected or those chosen in a manner otherwise provided for in this Constitution, shall be appointed by the governor and shall serve at the governor's pleasure. They shall be confirmed or rejected by the senate upon a recorded vote of a majority of the members elected. Any nomination not confirmed or rejected by the senate within twenty legislative days after being received shall be deemed confirmed.

The legislative assembly may periodically review the principal executive departments and may by law change and prescribe the manner of selecting those chief executive officers appointed by the governor under the provisions of this article.

Section 73. The elected state officials shall be chosen by the electors at a time designated by the legislative assembly, and shall serve until their successors are duly qualified. Terms of office shall be four years, except that terms of the public service commissioners shall be six years, so arranged that one of them is elected every two years.

If two or more candidates for any executive office receive an equal and highest number of votes, the legislative assembly in joint session shall choose one of them for the office.

Section 74. To be eligible to hold an elective office established by this article, a person must be a qualified elector of this state and must have been a resident of this state for the two years preceding election to office. The attorney general must be licensed to practice law in this state.

Section 75. The compensation of elected officials shall be as provided by law, but shall not be diminished during the term for which they were elected.

Section 76. Elected state officials and the chief executive officers of the principal departments shall hold office at the seat of government.

Section 77. The legislative assembly shall allocate the executive power among not more than fifteen principal state departments, which shall be organized along broad functional lines. The executive power of each department shall be vested in one person unless otherwise provided by this Constitution or by law. The legislative assembly shall prescribe the duties of and periodically reorganize the executive departments, provided any reorganization or change in duties shall not affect the organization and powers granted to any boards of education named in this Constitution.

The governor may, for more effective administration, make changes in the statutory allocation of functions, powers, and duties among and within the executive departments, other than those headed by constitutionally designated elective officials. Any change shall be set forth in an executive order and submitted to both houses of the legislative assembly on the same day. The legislative assembly shall have thirty legislative days to disapprove the order. If not disapproved by a majority of the members elected to either house, the order shall have the force of law when filed with the secretary of state or on a later date specified therein.

Section 78. The chief executives of the principal state departments shall constitute the state planning council. The governor shall be chairman of the council and the lieutenant governor shall be a vice chairman. The council shall prepare a comprehensive state plan based on the comprehensive plan for each department.

Section 79. The governor is the chief executive of the state. The governor shall have the responsibility to see that the state's business is well administered, and that its laws are faithfully executed.

The governor shall present the comprehensive state plan, and the governor's own recommendations, to the legislative assembly at the beginning of each session and at any other time the governor chooses.

The governor may call special sessions of the legislative assembly.

The governor may require information in writing from all executive officials and officers concerning the performance of their respective duties.

The governor shall prescribe the duties of the lieutenant governor in addition to those prescribed in section 82 of this article.

The governor is commander-in-chief of the state's military forces, except when they are called into the service of the United States, and the governor may mobilize them to execute the laws and to maintain order.

The governor may grant reprieves, commutations, and pardons. The governor may delegate this power in a manner provided by law.

The governor may supervise business with the United States and other states.

Section 80. Every bill passed by the legislative assembly shall be presented to the governor for the governor's signature. If the governor signs the bill, it shall become law.

The governor may veto a bill passed by the legislative assembly. The governor may veto items in an appropriation bill. Portions of the bill not vetoed shall become law.

The governor shall return for reconsideration any vetoed item or bill, with a written statement of the governor's objections, to the house in which it originated. That house shall immediately enter the governor's objections upon its journal. If, by a recorded vote, two-thirds of the members elected to that house pass a vetoed item or bill, it, along with the statement of the governor's objections, shall immediately be delivered to the other house. If, by a recorded vote, two-thirds of the members elected to the other house also pass it, the vetoed item or bill shall become law.

While the legislative assembly is in session, a bill shall become law if the governor neither signs nor vetoes it within three days, Saturdays and Sundays excepted, after its delivery to the governor. If the legislative assembly is not in session, a bill shall become law if the governor neither signs nor vetoes it within fifteen days, Saturdays and Sundays excepted, after its delivery to the governor.

Section 81. The governor may fill a vacancy in any office by appointment if no other method is provided by this Constitution or by law. If, while the senate is recessed or adjourned, a vacancy occurs in any office which is filled by appointment with senate confirmation, the governor shall make a temporary appointment to the office. When the senate reconvenes the governor shall make a nomination to fill the office. Except on request of the senate, no nominee rejected by the senate shall again be nominated for that office at the same session, nor shall the nominee be appointed to that office during a recess or adjournment of the senate.

Section 82. The lieutenant governor shall serve as president of the senate, and may, if the senate is equally divided on a question, vote on both procedural and substantive matters. If, during a vacancy in the office of governor, the lieutenant governor is unable to serve because of death, impeachment, resignation, failure to qualify, removal from office, or disability, the

secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

SECTION 2. REPEAL.) Article III, consisting of sections 71 through 84 of the Constitution of the State of North Dakota, is hereby repealed.

SECTION 3. EFFECTIVE DATE.) The provisions of this resolution, if approved by the people, shall take effect on July 1, 1981. The legislative assembly shall provide by law for continuity in the transition from the system of executive government in operation prior to adoption of this article to that prescribed by this article in a way which will assure orderliness and an effective program of executive organization under the terms of this article.

Filed April 3, 1979

## CHAPTER 712

HOUSE CONCURRENT RESOLUTION NO. 3088  
(Kingsbury, Freborg)  
(Approved by Committee on Delayed Bills)

## COAL DEVELOPMENT IMPACT TRUST FUND

A concurrent resolution for a constitutional amendment providing for the creation of a coal development impact trust fund; and providing an effective date.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE 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 at the general election to be held in November 1980, in accordance with the provisions of section 202 of the Constitution of the State of North Dakota, as amended.

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.

Filed April 3, 1979