

**ANALYSES OF THE
STATEWIDE MEASURES
APPEARING ON THE
ELECTION BALLOT
NOVEMBER 4, 2014**

The following analyses are for the eight measures appearing on the statewide election ballot on November 4, 2014. This publication is required by section 16.1-01-07 of the North Dakota Century Code to enable voters to become familiar with the effect of proposed measures. The full text of each measure is available on the Secretary of State's website at www.vote.nd.gov or by requesting a copy from the Elections Division, Secretary of State's office at (800) 352-0867, ext. 328-4146, or from the office of any County Auditor.

In addition, as required by section 16.1-01-17 of the North Dakota Century Code, a copy of the Legislative Council's report on the estimated fiscal impact of initiated Measures No. 5, No. 6, No. 7 and No. 8 is available on the Secretary of State's website at www.vote.nd.gov, by calling (800) 352-0867, ext. 328-4146, or by writing to Secretary of State, 600 E Boulevard Avenue Dept 108, Bismarck ND 58505-0500.

Analysis of Constitutional Measure No. 1

Constitutional Measure No. 1 was placed on the ballot by action of the 2013 North Dakota Legislative Assembly with the passage of Senate Concurrent Resolution No. 4009 (2013 Session Laws, Ch. 519). If approved, this constitutional measure would create and enact a new section to Article I of the North Dakota Constitution stating, "The inalienable right to life of every human being at any stage of development must be recognized and protected."

Voting "**YES**" means you approve the measure as stated above. Voting "**NO**" means you reject the measure as stated above.

Analysis of Constitutional Measure No. 2

Constitutional Measure No. 2 was placed on the ballot by action of the 2013 North Dakota Legislative Assembly with the passage of House Concurrent Resolution No. 3006 (2013 Session Laws, Ch. 520). If approved, this constitutional measure would create and enact a new section to Article X of the North Dakota Constitution stating, "The state and any county, township, city, or any other political subdivision of the state may not impose any mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property."

Voting "**YES**" means you approve the measure as stated above. Voting "**NO**" means you reject the measure as stated above.

Analysis of Constitutional Measure No. 3

Constitutional Measure No. 3 was placed on the ballot by action of the 2013 North Dakota Legislative Assembly with the passage of House Concurrent Resolution No. 3047 (2013 Session Laws, Ch. 521). If approved, this constitutional measure would create and enact a new section to Article VIII of the North Dakota Constitution creating a three-member commission of higher education, effective July 1, 2015, with full executive responsibility for the management and operation of the North Dakota university system. The measure would repeal Section 6 of Article VIII of the Constitution relating to the current eight-member state board of higher education. Members of the new commission would be appointed by the Governor to four year terms from a list of nominees provided by a special committee, and would be subject to confirmation by the Senate. One of the commissioners must possess leadership experience in a private sector business, industry, or service and one member, at the time of appointment, must hold a professional position within the higher education sector. The commissioners could be reappointed to three consecutive terms.

Voting "**YES**" means you approve the measure as summarized above. Voting "**NO**" means you reject the measure as summarized above.

Analysis of Constitutional Measure No. 4

Constitutional Measure No. 4 was placed on the ballot by action of the 2013 North Dakota Legislative Assembly with the passage of House Concurrent Resolution No. 3011 (2013 Session Laws, Ch. 522). If approved, this constitutional measure would require that initiated measures that are estimated to have a significant fiscal impact must be placed on the general election ballot. The measure would also prohibit the approval for circulation of any petition to initiate a constitutional amendment that would make a direct appropriation of public funds for a specific purpose or require the legislative assembly to appropriate funds for a specific purpose.

Voting “**YES**” means you approve the measure as summarized above. Voting “**NO**” means you reject the measure as summarized above.

Analysis of Initiated Constitutional Measure No. 5

Constitutional Measure No. 5 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated constitutional measure would add a new section to Article X of the North Dakota Constitution creating the Clean Water, Wildlife, and Parks Trust (the “Trust”) and the Clean Water, Wildlife, and Parks Fund (the “Fund”) to be financed by five percent of the revenues from the State’s share of oil extraction taxes. Ten percent of that amount of annual revenues would be deposited in the Trust with the principal invested by the State Investment Board; the earnings from the Trust would be transferred to the Fund to be spent on programs after January 1, 2019. Ninety percent of the annual revenues would be deposited into the Fund to be used to make grants to public and private groups to aid water quality, natural flood control, fish and wildlife habitat, parks and outdoor recreation areas, access for hunting and fishing, the acquisition of land for parks, and outdoor education for children. The Fund would be governed by a Clean Water, Wildlife, and Parks Commission comprised of the governor, attorney general, and agriculture commissioner. A thirteen-member Citizen Accountability Board would be appointed for three-year terms to review grant applications and make recommendations to the Commission. Every twenty-five years, the people would vote on the question of whether to continue the financing from the oil extraction taxes.

Voting “**YES**” means you approve the measure as summarized above. Voting “**NO**” means you reject the measure as summarized above.

Analysis of Initiated Statutory Measure No. 6

Statutory Measure No. 6 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated statutory measure would amend section 14-09-06.2 of the North Dakota Century Code to create a presumption that each parent is a fit parent and entitled to be awarded equal parental rights and responsibilities by a court unless there is clear and convincing evidence to the contrary; the measure would also provide a definition of equal parenting time.

Voting “**YES**” means you approve the measure as summarized above. Voting “**NO**” means you reject the measure as summarized above.

Analysis of Initiated Statutory Measure No. 7

Statutory Measure No. 7 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated statutory measure would amend section 43-15-35 of the North Dakota Century Code. It would repeal the requirement that an applicant for a permit to operate a pharmacy must be a licensed pharmacist, a business entity controlled by licensed pharmacists, a hospital pharmacy, or a postgraduate medical residency program.

Voting “**YES**” means you approve the measure as summarized above. Voting “**NO**” means you reject the measure as summarized above.

Analysis of Initiated Statutory Measure No. 8

Statutory Measure No. 8 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated statutory measure would amend section 15.1-06-03 of the North Dakota Century Code to require school classes to begin after Labor Day.

Voting **“YES”** means you approve the measure as summarized above. Voting **“NO”** means you reject the measure as summarized above.

CASS COUNTY, NORTH DAKOTA
RESOLUTION TO INCREASE THE EXISTING
EMERGENCY SERVICES COMMUNICATIONS (9-1-1) FEE

WHEREAS, the emergency services communication (9-1-1) system is critical to public safety in Cass County; and

WHEREAS, the monthly fee on "assessed communications services" (telephone exchange access service, wireless service, active prepaid wireless service, and voice over internet protocol service) imposed pursuant to North Dakota Century Code 57-40.6 is essential to the operation and maintenance of the emergency services communication system (9-1-1); and

WHEREAS, the County of Cass, City of Fargo, and the City of West Fargo each has separate monthly fees on "assessed communications services" (telephone exchange access service, wireless service, active prepaid wireless service, and voice over internet protocol service) imposed pursuant to North Dakota Century Code 57-40.6; and

WHEREAS, the County of Cass, City of Fargo, and the City of West Fargo are all members of the Red River Regional Dispatch Center and jointly provide funds for the operation and upgrade of the center; and

WHEREAS, it would be more efficient to administer one common fee throughout Cass County for the entities mentioned above and for the telephone exchange access service, wireless service, active prepaid wireless service, and voice over internet protocol service providers; and

WHEREAS the current fee limited to \$1.00 (\$1.50 in the City of West Fargo) per month per "communication connection" (telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation) was implemented by resolution of the Cass County Commission, City of Fargo, and the City of West Fargo and approved by the voters of the mentioned entities;

WHEREAS the revenue from the current fee is insufficient to adequately fund the maintenance and operations and upgrade of the emergency services communications (9-1-1) system, it is proposed that the fee maximum be increased to \$1.50 per "assessed communication service" however the county commission could impose an amount less, but no more than that maximum; and

WHEREAS, North Dakota Century Code section 57-40.6-02 provides a process of imposing 9-1-1 fees by governing board resolution and approval of the voters.

THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners proposes an increase of the existing monthly fee, and directs that the following measure be placed on the county ballot for the statewide primary election scheduled for November 4, 2014 and shall become effective January 1, 2015.

BE IT FURTHER RESOLVED, that the fee shall be collected by the "assessed communications service providers" and paid to the County within thirty (30) days after collection from the subscriber or customer unless the provider has fewer than ten

subscribers or customers in a jurisdiction, in which case the provider may pay the proceeds quarterly. An assessed communications service provider may retain the actual costs of administration in collection of the fee, not to exceed five percent of the fee collected.

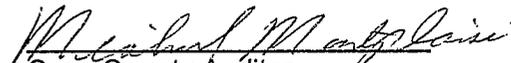
Dated this 2nd day of September, 2014.

APPROVED:



Ken Pawluk, Chairman
Cass County Commission

ATTEST:


Cass County Auditor

Cass County Measure #1

Currently, the emergency services communication (9-1-1) fee structure allows the City of Fargo to impose \$1.00 per month, the City of West Fargo to impose \$1.50 per month, and Cass County to impose \$1.00 per month outside of the cities of Fargo and West Fargo per "communication connection" (telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation) for the operation and maintenance of the 9-1-1 emergency services communications systems. Should these various fees be replaced by a single countywide fee not to exceed \$1.50 per month?

Voter approval would allow a countywide fee, not to exceed \$1.50 per month per "communication connection" to become effective January 1, 2015, with the revenue dedicated to maintaining and operating the emergency services communication (9-1-1) system as required by State law.

- YES A "YES" vote means you approve the proposed countywide fee of \$1.50 per month.
- NO A "NO" vote means you do not approve the proposed countywide fee of \$1.50 per month.

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