### CONSTITUTIONAL AMENDMENTS AND STATUTORY INITIATIVES

#### Measure 1: Life Begins at Conception

**Description:** The measure, upon voter approval, would declare in the state constitution that life begins at conception.

Supporters say the amendment would recognize human life as a gift and would reflect the values of North Dakotans.

Opponents say that the measure is poorly written, too abstract, and too broad. Depending on its interpretation, the amendment could affect access to birth control, in vitro fertilization, abortion, and end of life issues.

If Measure 1 is approved, North Dakota would be the first state in the country to define life as beginning at conception. Since no other state has an amendment like this, there is no precedent for how this amendment would affect activities which are currently legal.

**A YES vote:** Will 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.”

**A NO vote:** Results in no change.

#### Measure 2: Property Transfer Tax Ban

**Description:** The measure, upon voter approval, would prevent the state from imposing mortgage, sales, or transfer taxes on the mortgage or transfer of real property.

A transfer tax is a tax imposed by political subdivisions when a person transfers property. As of September 2014, 36 states, including Minnesota and South Dakota, impose transfer taxes. Five states, including Montana and Wyoming, have banned the transfer tax in their state constitutions.

North Dakota does not currently have transfer or mortgage taxes. A YES vote would NOT eliminate a current tax, but would prohibit any unit of government from instituting a transfer tax on real estate in the future.

**A YES vote:** Will 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.”

**A NO vote:** Results in no change.

#### Measure 3: Higher Education Commission

**Description:** The measure, upon voter approval, would abolish the State Board of Higher Education and replace with an appointed Commission of Higher Education.

Public higher education is currently overseen and administered by an appointed part-time eight-member Board of Higher Education and Chancellor’s Office. These would be replaced by a full-time three-member Commission of Higher Education appointed by the governor and subject to confirmation by the senate.

Supporters say the amendment would allow for better management of the state’s investment in post-secondary education while opponents say that the measure would limit academic freedom, disempower university presidents, and affect university accreditation.

**A YES vote:** Will create and enact a new section to Article VIII of the North Dakota Constitution creating a three-member Commission of Higher Education with full executive responsibility for the management and operation of the North Dakota university system.

**A NO vote:** Results in no change.

#### Measure 4: Referral and Initiative Reform

**Description:** The measure, upon voter approval, would require initiated measures that are estimated to have significant fiscal impacts on the state to be voted on during a general election.

The approval of Measure 4 would prohibit future initiated constitutional amendments that make a direct appropriation of public funds for a specific purpose. The measure would also prohibit any petition to initiate a constitutional amendment that would require the legislative assembly to appropriate funds for a specific purpose.

**A YES vote:** Will amend and reenact section 2 of Article III of the North Dakota Constitution to require that initiated measures that are estimated to have a significant fiscal impact be placed on the general election ballot. The measure will also prohibit the approval 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.

**A NO vote:** Results in no change.
### Measure 5: Clean Water, Wildlife and Parks Initiative

**Description:** The measure, upon voter approval, would redirect five percent of the state’s oil extraction tax revenue to a Clean Water, Wildlife, and Parks Trust and Fund.

Of the revenue received, 90 percent would be deposited into a fund while 10 percent would be deposited into a trust.

The fund would be used to provide grants to public and private agencies to aid their work in improving water quality, natural flood control, fish and wildlife habitat, parks and outdoor recreation areas, access for fishing and hunting, land acquisition for parks, and outdoor education. The fund would be governed by a commission comprised of the governor, attorney general, and agriculture commissioner, with a thirteen-member citizen accountability board to review and make recommendations on grant applications.

Supporters say the measure would help protect the state’s natural resources and aid in future conservation efforts.

Opponents say the measure would prioritize conservation funding over other state needs and would be the first amendment to the state constitution to mandate spending.

**A YES vote:** Will add a new section to article X of the North Dakota Constitution creating the Clean Water, Wildlife, and Parks Trust and Fund.

**A NO vote:** Results in no change.

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### Measure 6: Parental Rights Initiative

**Description:** The measure, upon voter approval, would create a legal presumption that each parent is a fit parent and entitled to be awarded equal parental rights by a court.

A similar measure was defeated by North Dakota voters in 2006.

Supporters say the initiative would allow children to better retain full relationships with both parents when their parents no longer live together.

Opponents say the initiative would give more weight to the parent’s wishes rather than what may be in the best interests of the child. Opponents also say the initiative fails to clearly outline what makes a parent unfit.

**A YES vote:** Will 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.

**A NO vote:** Results in no change.

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### Measure 7: Pharmacy Ownership Initiative

**Description:** The measure, upon voter approval, would remove the requirement that majority ownership in a pharmacy be held by a registered pharmacist.

The measure would repeal a 1963 North Dakota Century Code law that effectively bans chain retailers, such as Walmart, Target, and Walgreens from operating pharmacies in North Dakota.

Supporters say the initiative would allow for better convenience and help the state meet its increasing pharmacy needs.

Opponents say the initiative would hurt many local independent pharmacists and that the pharmacy market would eventually become dominated by chain retailers.

**A YES vote:** Will amend section 43-15-35 of the North Dakota Century Code to repeal the requirement that an applicant for a permit to operate a pharmacy be a licensed pharmacist or a business entity controlled by licensed pharmacists.

**A NO vote:** Results in no change.

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### Measure 8: School Year Begins After Labor Day Initiative

**Description:** The measure, upon voter approval, would mandate that public school classes begin after Labor Day.

Currently, each school district in the state is free to design their respective school calendar, including the academic year’s starting date.

Minnesota, Michigan, and Virginia are the only states that currently require school classes to begin after Labor Day.

Supporters say the initiative would spare students from hot classrooms on late-summer days in schools with no air conditioning and also help families with their end-of-summer vacations.

Opponents say that the current laws put the school calendar in the hands of school districts and that local decisions are better than a state mandate.

**A YES vote:** Will amend Section 15.1-06-03 of the North Dakota Century Code to require school classes to begin after Labor Day.

**A NO vote:** Results in no change.

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For further information on these measures and voting in North Dakota, please visit [www.vote.nd.gov](http://www.vote.nd.gov) or call 701.328.4146.