

# CONSTITUTIONAL AMENDMENTS PROPOSED

## CHAPTER 574

### SENATE CONCURRENT RESOLUTION NO. 4005 (Senator Lips)

#### FILLING OF JUDICIAL VACANCIES

A concurrent resolution for the amendment of section 13 of article VI of the Constitution of North Dakota, relating to the filling of judicial vacancies.

#### STATEMENT OF INTENT

This amendment provides that a person appointed by the governor to fill a judicial vacancy on the supreme court or district court serves at least two years and until the next general election thereafter. The subsequent term for that judgeship may be reduced to allow for the minimum two-year term and for the staggering of judicial elections.

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

That the following proposed amendment to section 13 of article VI of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 1998, in accordance with section 16 of article IV of the Constitution of North Dakota.

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

#### Section 13.

1. A judicial nominating committee ~~shall~~ must be established by law. ~~Any~~ The governor shall fill any vacancy in the office of supreme court justice or district court judge shall be filled by appointment by the governor from a list of candidates nominated by the committee, unless the governor calls a special election to fill the vacancy for the remainder of the term. ~~An~~ Except as provided in subsection 2, an appointment shall must continue until the next general election, when the office ~~shall~~ must be filled by election for the remainder of the term.
2. An appointment must continue for at least two years. If the term of the appointed judgeship expires before the judge has served at least two years, the judge shall continue in the position until the next general election immediately following the service of at least two years.
3. Notwithstanding sections 7 and 9 of this article, the term of the judge elected at the subsequent general election provided for in subsection 2 is

reduced to the number of years remaining in the subsequent term after the appointee has served at least two years.

Filed March 28, 1997

NOTE: This will be measure No. 1 on the 1998 primary election ballot.

## CHAPTER 575

### SENATE CONCURRENT RESOLUTION NO. 4010

(Senators Solberg, Cook, Tomac)  
(Representatives Carlson, Nichols, Tollefson)

### HIGHER EDUCATION INSTITUTION REFERENCES

A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

#### STATEMENT OF INTENT

This amendment removes references to the names, locations, and missions of the institutions of higher education.

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

That the following proposed amendments to subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 1998, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Subsection 1 of section 6 of article VIII of the Constitution of North Dakota is amended and reenacted as follows:

1. ~~A~~ The state board of higher education, ~~to be officially known as the state board of higher education,~~ is hereby created for the shall control and administration of administer the following state educational institutions, ~~to wit:~~
  - a. ~~The state university and school of mines, at Grand Forks, with their substations.~~
  - b. ~~The state agricultural college and experiment station, at Fargo, with their substations.~~
  - c. ~~The school of science, at Wahpeton.~~
  - d. ~~The state normal schools and teachers colleges, at Valley City, Mayville, Minot, and Dickinson.~~
  - e. ~~The school of forestry, at Bottineau.~~
  - f. ~~And such other~~ state institutions of higher education as may hereafter be established.

**SECTION 2. AMENDMENT.** Section 12 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

**Section 12.** The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this constitution.

1. The seat of government at the city of Bismarck in the county of Burleigh.
2. ~~The state university and the school of mines at the city of Grand Forks, in the county of Grand Forks.~~
3. ~~The North Dakota state university of agriculture and applied science at the city of Fargo, in the county of Cass.~~
4. ~~A state normal school at the city of Valley City, in the county of Barnes, and the legislative assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.~~
5. ~~The school for the deaf and dumb of North Dakota at the city of Devils Lake, in the county of Ramsey.~~
6. 3. ~~A state training industrial school at the city of Mandan, in the county of Morton.~~
7. ~~A state normal school at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by Congress in the Act aforesaid for state normal schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.~~
8. 4. ~~A state hospital for the insane mentally ill at the city of Jamestown, in the county of Stutsman. And the The legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located the state hospital.~~
5. An institution for the developmentally disabled at or near the city of Grafton, in the county of Walsh; an institution for the feebleminded, on the grounds purchased by the secretary of the interior for a penitentiary building.

**SECTION 3. AMENDMENT.** Section 13 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

**Section 13.** The following public institutions are located as provided, each to have so much of the remaining grant of one hundred seventy thousand acres of land

made by the United States for "other educational and charitable institutions" as is allotted by law:

1. A ~~soldiers'~~ veterans' home, when located, or such other charitable institution as the legislative assembly may determine, at the city of Lisbon in the county of Ransom, with a grant of forty thousand acres of land.
2. The school for the blind at the city of Grand Forks in the county of Grand Forks or at ~~such other~~ another location as may be determined by the legislative assembly to be in the best interests of the students of ~~such~~ the institution and the state ~~of North Dakota~~.
3. ~~A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau, or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.~~
4. ~~A school of science or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton in the county of Richland, with a grant of forty thousand acres.~~
5. ~~A state college at the city of Minot in the county of Ward.~~
6. ~~A state college at the city of Dickinson in the county of Stark.~~
7. A state hospital for the mentally ill at ~~such~~ a place within this state as ~~shall~~ be selected by the legislative assembly.

No other institution of a character similar to any one of those located by article IX, section 12, or this section ~~shall~~ may be established or maintained without an amendment of this constitution.

Filed April 9, 1997

NOTE: This will be measure No. 1 on the 1998 general election ballot.