

Fifty-seventh  
Legislative Assembly  
of North Dakota

## HOUSE CONCURRENT RESOLUTION NO. 3009

Introduced by

Representative DeKrey

A concurrent resolution for the amendment of section 9 of article I of the Constitution of North Dakota, relating to judicial review of governmental determinations that impact a person's property or activities.

### STATEMENT OF INTENT

This amendment would allow a person to immediately seek a judicial review of a governmental determination that impacts the person's property or activities without being required to participate in an administrative remedy process that is outside the judicial branch of state government. This amendment would not abolish or prohibit administrative remedies processes.

This amendment would guarantee that a person would not be required to participate in any process as a condition of seeking judicial review of disputes the person has with governmental entities and would provide that if the person participates in the administrative remedy processes, that person may seek de novo judicial review with a right to a jury.

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

That the following proposed amendment to section 9 of article I of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2002, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 9 of article I of the Constitution of North Dakota is amended and reenacted as follows:

**Section 9.** All courts ~~shall~~ must be open, and every ~~man~~ individual for any injury done ~~him in his~~ to the individual's lands, goods, person, or reputation ~~shall have~~ is entitled to remedy by due process of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in ~~such the~~ manner, in ~~such the~~ courts, and in ~~such the~~ cases, as the legislative assembly may, by law, direct. In every claim for relief over which the

- 1 district court has jurisdiction, the jurisdiction may not be conditioned upon or effected by the
- 2 availability or exhaustion of any administrative remedy and any administrative remedy be
- 3 reviewed de novo in the district court with a jury.