

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3017

Introduced by

Representative DeKrey

1 A concurrent resolution for the amendment of section 9 of article 1 of the Constitution of North
2 Dakota, relating to judicial review of governmental determinations that impact a person's
3 property or activities.

4 STATEMENT OF INTENT

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

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

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE 14 SENATE CONCURRING THEREIN:

15 That the following proposed amendment to section 9 of article I of the Constitution of
16 North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at
17 the primary election to be held in 2004, in accordance with section 16 of article IV of the
18 Constitution of North Dakota.

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

21 **Section 9.** All courts ~~shall~~ must be open, and every ~~man~~ individual for any injury done
22 ~~him in his~~ to the individual's lands, goods, person or reputation ~~shall have~~ is entitled to remedy
23 by due process of law, and right and justice administered without sale, denial or delay. Suits
24 may be brought against the state in ~~such the~~ manner, in ~~such the~~ courts, and in ~~such the~~ cases
25 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 affected by the
- 2 availability or exhaustion of any administrative remedy and any administrative remedy be
- 3 reviewed do novo in the district court with a jury.