

Sixty-third
Legislative Assembly
of North Dakota

**ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4006**

Introduced by

Senators Hogue, Wardner

Representatives Carlson, Bellew, Klemin, Nathe

1 A concurrent resolution ~~to create and enact a new section to article III of the Constitution of~~
2 ~~North Dakota, relating to limited legislative review of initiated measures substantially affecting~~
3 ~~the state budget, and to amend and reenact section 8 of article III of the Constitution of North~~
4 ~~Dakota, relating to the effective date of initiated measures.~~to create and enact a new section to
5 article III of the Constitution of North Dakota, relating to approval of petitions for proposed
6 initiated constitutional amendments by the attorney general before circulation.

STATEMENT OF INTENT

8 ~~This measure would require that any initiated measure approved by the electors of the state~~
9 ~~and which would require an appropriation of public funds or be estimated to have a fiscal impact~~
10 ~~of at least fifty million dollars per biennium would be subject to limited review by the legislative~~
11 ~~assembly before becoming effective.~~This measure would prohibit the circulation of a petition to
12 initiate a constitutional amendment if the attorney general determines the proposed amendment
13 would make a direct appropriation of public funds for a specific purpose or would require the
14 legislative assembly to appropriate funds for a specific purpose.

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

17 That the following proposed new section to article III of the Constitution of North Dakota ~~and~~
18 ~~the proposed amendment of section 8 of article III of the Constitution of North Dakota are~~is
19 agreed to and must be submitted to the qualified electors of North Dakota at the primary
20 election to be held in 2014, in accordance with section 16 of article IV of the Constitution of
21 North Dakota.

22 ~~SECTION 1. AMENDMENT. Section 8 of article III of the Constitution of North Dakota is~~
23 ~~amended and reenacted as follows:~~

24 ~~Section 8. If~~Except as provided in section 2 of this measure, if a majority of votes cast upon
25 ~~an initiated or a referred measure are affirmative, it shall be deemed enacted. An~~Except as

1 ~~provided in section 2 of this measure, an initiated or referred measure which is approved shall~~
2 ~~become law thirty days after the election, and a referred measure which is rejected shall be void~~
3 ~~immediately. If conflicting measures are approved, the one receiving the highest number of~~
4 ~~affirmative votes shall be law. A measure approved by the electors may not be repealed or~~
5 ~~amended by the legislative assembly for seven years from its effective date, except by a~~
6 ~~two-thirds vote of the members elected to each house.~~

7 ~~—~~ **SECTION 2.** ~~A new section to article III of the Constitution of North Dakota is created and~~
8 ~~enacted as follows:~~

9 ~~— 1. If an initiated measure is approved by the electors of the state and a three-member~~
10 ~~committee consisting of the director of the office of management and budget, the~~
11 ~~chairman of the legislative management, and the tax commissioner determine by a~~
12 ~~majority vote within thirty days after the approval of the measure that the measure~~
13 ~~would dedicate public funds for a specific purpose or require the legislative assembly~~
14 ~~to appropriate funds for a specific purpose or the measure is estimated to have a fiscal~~
15 ~~impact of fifty million dollars or more during the next full biennium after the measure is~~
16 ~~due to become effective, the measure may not become effective unless the measure~~
17 ~~is approved by the legislative assembly as provided in this section.~~

18 ~~— 2. Before the thirty first legislative day of the legislative session immediately following the~~
19 ~~approval of an initiated measure by the electors of the state, the legislative assembly~~
20 ~~shall hold public hearings regarding any measure subject to legislative approval under~~
21 ~~this section and vote to approve or reject the initiated measure. The legislative~~
22 ~~assembly may not amend the initiated measure, but must vote to approve or reject the~~
23 ~~measure on a recorded roll call vote. A measure subject to legislative approval under~~
24 ~~this section becomes effective immediately or on a later date specified in the measure~~
25 ~~if forty percent of the members elect of each house of the legislative assembly vote in~~
26 ~~favor of the measure.~~

27 ~~— 3. If the legislative assembly fails to vote to approve or reject an initiated measure by the~~
28 ~~deadline provided in subsection 2, the measure becomes effective immediately or~~
29 ~~upon a later date specified in the measure.~~

30 ~~— 4. On July first of each odd-numbered year, the legislative council shall calculate the rate~~
31 ~~of inflation over the previous two years based upon the consumer price index.~~

1 ~~announced by the federal bureau of labor statistics and adjust the threshold upon~~
2 ~~which the three member committee provided for under subsection 1 makes its~~
3 ~~determination of whether an initiated measure will have a fiscal impact that would~~
4 ~~require the measure to be subject to legislative review. The legislative council shall~~
5 ~~provide public notice of the recalculated threshold by August first of each~~
6 ~~odd-numbered year.~~

7 ~~5. This section may be amended or repealed only if the proposed amendment or repeal~~
8 ~~is the sole question in the proposed measure.~~

9 **SECTION 1.** A new section to article III of the Constitution of North Dakota is created and
10 enacted as follows:

11 Before the secretary of state may approve a petition to initiate a constitutional amendment,
12 the secretary of state shall forward the proposed amendment to the attorney general for review.
13 The attorney general shall review the proposed amendment to determine whether the proposed
14 amendment would make a direct appropriation of public funds for a specific purpose or would
15 require the legislative assembly to appropriate funds for a specific purpose. If the attorney
16 general determines that the proposed amendment would make a direct appropriation of public
17 funds for a specific purpose or would require the legislative assembly to appropriate funds for a
18 specific purpose, the secretary of state shall notify the committee for the petitioners that the
19 petition may not be approved for circulation.