

CONSTITUTIONAL AMENDMENTS APPROVED

CHAPTER 609

CONGRESSIONAL AGE LIMITS

This initiated measure creates a new article in the North Dakota Constitution entitled "Congressional Age Limits." Under this Article, no person may be elected or appointed to serve a term or a portion of a term representing North Dakota in the U.S. Senate or the U.S. House of Representatives if that person could be 81 years old by December 31 of the year immediately preceding the end of the term, and any such person is prohibited from appearing on the ballot. If a superior law requires age-limited candidates to appear on the ballot in a primary or general election, the candidates' age on December 31 of the year immediately preceding the end of the term they are seeking must be printed next to the names of all candidates for all federal legislative offices in future elections. This Article gives standing to enforce the article to any elector; permits an eligible person to file to appear on the primary election ballot or use an alternate statutory nomination method for a federal legislative office for the 2026 election immediately after this law takes effect; and provides immediate standing in the courts of this state to challenge the limited question of whether a denial violates article 1 of the U.S. Constitution. The Article also requires the Attorney General to zealously defend Section 4 of the Article and permits any elector residing within the district of an applicable office to timely join in the defense of Section 4 as a real party in interest. The Article's provisions are severable, and, if any provision is held to be invalid, the remaining provisions and their application must not be affected. If this Article conflicts with any other provision of the North Dakota Constitution, the provisions of this Article must control. The Article will take effect immediately upon passage at the 2024 primary election or 2024 general election.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. A new Article entitled "CONGRESSIONAL AGE LIMITS" is added to the Constitution of the State of North Dakota:

SECTION 1. MAXIMUM AGE OF 80 YEARS. No person may be elected or appointed to serve a term or a portion of a term in the U.S. Senate or the U.S. House of Representatives if that person could attain 81 years of age by December 31st of the year immediately preceding the end of the term.

SECTION 2. BALLOT ACCESS RESTRICTION. Notwithstanding any judicial determination regarding the enforceability of section 1, no candidates who would be barred from service under section 1 shall be permitted to appear on the ballot to be nominated for, or elected to, such offices.

SECTION 3. BALLOT ADVISORY. In the event superior law requires age-limited candidates to appear on the ballot in primary or general elections in contravention of section 2, the following ballot advisory shall appear parenthetically next to the names

of all candidates for all federal legislative offices in future elections: "Candidate would be [candidate age on December 31st of the year immediately preceding the end of term] years old by end of term."

SECTION 4. IMPLEMENTATION. This article shall take effect immediately and apply to any nomination for, or election to, a federal legislative office held at any election or by any other nominating method held after the effective date of this law.

- i. Any elector shall have standing to enforce this article. To expedite legal review, any otherwise eligible person may file to appear on the primary election ballot or to use alternate statutory nomination methods for a federal legislative office for the 2026 elections immediately after this law takes effect. Any denial of a filing under the terms of this article during the 2026 early filing period shall provide immediate standing in the courts of this state to challenge the limited question of whether the denial violates Article 1 of the United States Constitution.
- ii. Any action filed under this section shall be advanced on the docket and a final judgment shall be entered within 60 days. Any appeal of the judgment shall be noticed within 10 days. The North Dakota State Supreme Court shall have jurisdiction over the appeal and shall issue its order and mandate within 60 days of the filing of the notice of appeal.
- iii. The Attorney General shall zealously defend all portions of this section, in the courts of this state or of the United States, as an exercise of an important and fundamental state interest. In any action commenced in a court of this state, any elector residing within the district of an applicable office shall be permitted to timely join in the defense of this section as a real party in interest.

SECTION 5. SEVERABILITY. The provisions of this article are severable, and if any provision is held to be invalid, either on its face or as applied, the remaining provisions and their application shall not be affected thereby. In any case of a conflict between any provision of this article and any other provision of this constitution, the provisions of this article shall control.

Approved June 11, 2024

68,468 to 44,076

NOTE: This was measure No. 1 on the 2024 primary election ballot.

CHAPTER 610

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Management)
(Acute Psychiatric Treatment Committee)

TERMINOLOGY DESCRIBING PUBLIC INSTITUTIONS

A concurrent resolution to amend and reenact sections 12 and 13 of article IX of the Constitution of North Dakota, relating to terminology describing public institutions.

STATEMENT OF INTENT

This measure would replace outdated terminology related to public institutions of the state.

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

That the following proposed amendments to 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 2024, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. 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~~ hard of hearing at the city of Devils Lake, in the county of Ramsey.

6. A state training 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. A state hospital for the ~~insane~~care of individuals with mental illness at the city of Jamestown, in the county of Stutsman. And 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 at or near the city of Grafton, in the county of Walsh, ~~an institution for the feeble-minded individuals with developmental disabilities,~~ an institutional facility for the on the grounds purchased by the secretary of the interior for a penitentiary building.

SECTION 2. 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' 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 location as may be determined by the legislative assembly to be in the best interests of the students of such 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~~care of individuals with mental illness at such 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 be established or maintained without an amendment of this constitution.

Approved November 5, 2024

301,944 to 55,464

NOTE: This was measure No. 1 on the 2024 general election ballot.

CHAPTER 611

HOUSE CONCURRENT RESOLUTION NO. 3033

(Representatives Mock, Hagert, Ista, Kempenich, Kreidt, Schatz)
(Senators Cleary, Meyer)

LEGACY FUND SPENDING AND TRANSFERS

A concurrent resolution to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to spending and transfers from the legacy fund.

STATEMENT OF INTENT

This measure would decrease the amount of principal available for spending each biennium and would clarify the distributions from the legacy fund.

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

That the following proposed amendment to section 26 of article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election held in 2024, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 26 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 26.

1. Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund ~~and such transfers become part of. Transfers under this subsection and earnings accruing prior to July 1, 2017, are~~ the principal of the legacy fund.
2. The principal ~~and earnings~~ of the legacy fund may ~~not be expended, until after June 30, 2017, and~~ not be expended until after ~~an~~ expenditure of principal ~~after that date~~ requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. Not more than ~~fifteen~~five percent of the principal of the legacy fund may be expended during a biennium.
3. Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes.
4. The state investment board shall invest the ~~principal of the North Dakota~~ moneys in the legacy fund. ~~The~~

5. On July first of each odd-numbered year, the state treasurer shall transfer earnings of the North Dakota legacy fund accruing after June 30, 2017, to the state general fund at the end of each biennium to a legacy earnings fund as provided by law, but a distribution may not result in an expenditure of principal.

Approved November 5, 2024

174,994 to 161,496

NOTE: This was measure No. 3 on the 2024 general election ballot.