

CONSTITUTIONAL AMENDMENTS DISAPPROVED

CHAPTER 571

SENATE CONCURRENT RESOLUTION NO. 4013

(Legislative Council)
(Interim Judiciary Committee)
(Senators Redlin, W. Stenehjem, Traynor)
(Representatives Kretschmar, Brown)

LIEUTENANT GOVERNOR LEGISLATIVE DUTIES ELIMINATED

Senate Concurrent Resolution No. 4013, Chapter 643, 1995 Session Laws, proposed by the Fifty-fourth Legislative Assembly of the State of North Dakota, for the amendment of sections 8 and 13 of article IV, section 7 of article V, and section 9 of article XI of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly, legislative procedures, powers and duties of the lieutenant governor, and impeachment proceedings; and to repeal section 13 of article XI of the Constitution of North Dakota, relating to impeachment proceedings.

STATEMENT OF INTENT

This amendment removes the lieutenant governor as presiding officer of the senate and provides that the presiding officer of the senate must be elected from the membership of the senate.

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

That the following proposed amendments to sections 8 and 13 of article IV, section 7 of article V, section 9 of article XI, and repeal of section 13 of article XI of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 1996, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 8 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 8. ~~The Each~~ house of ~~representatives~~ shall elect one of its members to act as presiding officer at the beginning of each organizational session.

SECTION 2. AMENDMENT. Section 13 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 13. Each house shall keep a journal of its proceedings, and a recorded ~~voted~~ vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a

majority of the members elected to each house; ~~and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.~~

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

SECTION 3. AMENDMENT. Section 7 of article V of the Constitution of North Dakota is amended and reenacted as follows:

Section 7. The powers and duties of the lieutenant governor shall be ~~to serve as president of the senate, and he may, when the senate is equally divided, vote on procedural matters, and on substantive matters if his vote would be decisive.~~ Additional duties shall be prescribed by the governor. If, during the vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign, or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy ~~shall be~~ is filled or the disability removed.

SECTION 4. AMENDMENT. Section 9 of article XI of the Constitution of North Dakota is amended and reenacted as follows:

Section 9. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. ~~When the governor or lieutenant governor is on trial, the presiding judge of the supreme court shall preside.~~

SECTION 5. REPEAL. Section 13 of article XI of the Constitution of North Dakota is repealed.

Disapproved June 11, 1996

45,067 to 62,902

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

CHAPTER 572

SENATE CONCURRENT RESOLUTION NO. 4018

(Senator Heinrich)
(Representative Rydell)

STATE LAND AND MINERAL INTEREST EXCHANGES

Senate Concurrent Resolution No. 4018, Chapter 644, 1995 Session Laws, proposed by the Fifty-fourth Legislative Assembly of the State of North Dakota, for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to exchanges of state land and mineral rights.

STATEMENT OF INTENT

This amendment allows for the exchange of land and mineral interests between the board of university and school lands and private owners and Indian tribes and eliminate the requirement that the board of university and school lands reserve mineral rights in all land transfers.

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

That the following proposed amendment to section 6 of article IX 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 June 1996, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 6 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 6. No original grant school or institutional land shall be sold for less than the fair market value thereof, and in no case for less than ten dollars (\$10.00) per acre, provided that when lands have been sold on contract and the contract has been canceled, such lands may be resold without reappraisal by the board of appraisal. The purchaser shall pay twenty (20) percent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) percent of the original purchase price. An amount equal to not less than three (3) percent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on purchase price. The purchaser may pay all or any installment or installments not yet due to any interest paying date. If the purchaser so desires, he may pay the entire balance due on his contract with interest to date of payment at any time and he will then be entitled to proper conveyance.

All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, and notice of such sale shall be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated.

No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the state shall be subject to taxation from the date of the contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, the contract of sale for such land shall, if the board of university and school lands so determine, by it, be declared null and void. No contract of sale heretofore made under the provisions of this section of the constitution as then providing shall be affected by this amendment, except prepayment of principal may be made as herein provided.

Any of said lands that may be required for townsite purposes, schoolhouse sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, airplane landing fields, fairgrounds, public highways, railroad right of way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the constitution and laws of this state, may be sold under the provisions of this article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any ~~of said lands and any other~~ lands controlled by the board of university and school lands, including state ~~coal~~ mineral interests, may, with the approval of ~~said~~ the board, be exchanged for lands and ~~coal~~ mineral interests of the United States, the state of North Dakota or any county or municipality thereof ~~as the legislature may provide, Indian tribe, or any private individual or entity,~~ and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject; ~~and the state shall reserve all mineral and water power rights in land so transferred, except coal mineral interests approved for exchange by the board of university and school lands under this section.~~

When any of said lands have been heretofore or may be hereafter sold on contract, and the purchaser or his heirs or assigns is unable to pay in full for the land purchased within twenty years after the date of purchase and such contract is in default and subject to being declared null and void as by law provided, the board of university and school lands may, after declaring such contract null and void, resell the land described in such contract to such purchaser, his heirs or assigns, for the amount of the unpaid principal, together with interest thereon reckoned to the date of such resale at the rate of not less than three (3%) percent, but in no case shall the resale price be more than the original sale price; such contract of resale shall be upon the terms herein provided, provided this section shall be deemed self-executing insofar as the provisions for resale herein made are concerned.

Disapproved June 11, 1996

52,435 to 54,256

NOTE: This was measure No. 2 on the primary election ballot.

CHAPTER 573

SENATE CONCURRENT RESOLUTION NO. 4014

(Legislative Council)
 (Interim Sovereign Immunity Committee)
 (Senators Nething, Redlin, W. Stenehjem)
 (Representatives Kretschmar, Aarsvold)

SOVEREIGN IMMUNITY

Senate Concurrent Resolution No. 4014, Chapter 648, 1995 Session Laws, proposed by the Fifty-fourth Legislative Assembly of the State of North Dakota, to create and enact a new section to the Constitution of North Dakota, relating to suits against the state and state employees; and to amend and reenact section 9 of article I of the Constitution of North Dakota, relating to suits against the state and state employees.

STATEMENT OF INTENT

This measure reinstates the doctrine of sovereign immunity.

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

That the following proposed new section and 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 1996 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~~ person for any injury done ~~him in his~~ to lands, goods, person or reputation shall have 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 manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.~~

SECTION 2. A new section to the Constitution of North Dakota is created and enacted as follows:

Notwithstanding any other provision of the constitution, no suit may be brought against the state or an employee of the state acting within the employee's official capacity unless the legislative assembly provides by law the type of claims and the procedure through which those claims may be brought against the state or its employees.

Disapproved November 5, 1996

99,095 to 140,590

NOTE: This was measure No. 2 on the general election ballot.